

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4952

AN ORDINANCE ENACTING ARTICLE 25-24 OF CHAPTER 25
OF THE FARGO MUNICIPAL CODE
RELATING TO MOBILE HOMES AND RECREATIONAL VEHICLES

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Code; and,

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and,

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and,

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Enactment.

Article 25-24 of Chapter 25 of the Fargo Municipal Code is hereby enacted as follows:

ARTICLE 25-24
MOBILE HOMES AND RECREATIONAL VEHICLES

Section	
25-2401	Definitions.
25-2402	Parking of Mobile Homes or Recreational Vehicles.
25-2403	Mobile Home Park License.
25-2404	Application for License and Renewal; Fees.
25-2405	Term of License.
25-2406	Park Standards.
25-2407	Certification Label.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4952

25-2401. Definitions. In this article, unless the context or subject matter otherwise requires:

A. "Mobile home" means a structure, transportable in one or more sections, which is eight body feet or more in width and thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be connected to the required utilities and used as a residence.

B. "Mobile home lot" means a designated parcel of land in a mobile home community designated for the accommodation of one mobile home and its accessory equipment, for exclusive use of the occupants of the mobile home.

C. "Mobile home stand" means that area of a mobile home site which has been reserved for the placement of a mobile home.

D. "Mobile home community" means a mobile home community or plot of ground under single ownership or management which has been planned and improved for the placement of at least ten mobile homes which is used for the accommodation of occupied mobile homes.

E. "Recreational vehicle" means a vehicular unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home.

F. "Recreational vehicle park" means a plot of ground under single ownership or management which has been planned and improved for occupancy by at least twenty or more recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

G. "Recreational vehicle space" means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

H. "Carport" means a roofed structure, attached or detached, for protection of a vehicle or vehicles, which, if attached to the mobile home is open on at least two sides and, if detached, is open on two or more sides except for necessary roof supports.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4952

25-2402. Parking of Mobile Homes or Recreational Vehicles.

A. It is unlawful for any person to park a mobile home or recreational vehicle on any street, alley, highway, or public place or on any tract of land owned by any person, occupied or unoccupied, within the city except as provided in this section.

B. Emergency or temporary stopping or parking is permitted on any street, alley or highway for no longer than 48 hours, subject to any other or further traffic or parking limits imposed on such streets, alleys, or highways.

C. Mobile homes or recreational vehicles may be used for temporary construction offices and sales rooms when a special use permit is first secured as required by Chapter 20 of the Fargo Municipal Code.

D. Recreational vehicles may be parked upon private premises, if vacant and not used for human habitation. A recreational vehicle may not be occupied or used for human habitation unless located in a licensed recreational vehicle park, or except for special events at designated locations approved by the building official.

E. Mobile homes may be allowed on parcels of land that are properly zoned and platted for such use as allowed by Chapter 20 of the Fargo Municipal Code.

25-2403. Mobile Home Park License.

A. It is unlawful for any person to maintain or operate a mobile home community without a valid license issued annually by the city auditor in the name of such person. All applications for licenses must be made to the city auditor and a license issued upon compliance by the applicant with provisions of this chapter.

B. Every person holding a license shall give notice in writing to the city auditor within 24 hours after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home community. The notice shall include the name and address of the person succeeding to the ownership or control.

25-2404. Application for License and Renewal; Fees. Application for a license for a mobile home community must be filed with the city auditor. The application shall contain the following:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4952

- A. Name and address of the applicant and the annual fee.
- B. The location and legal description of the mobile home community showing all the mobile home stands, structures, roads and other service facilities.
- C. The annual fee for mobile home parks shall be set by resolution of the board of city commissioners.

Applications for renewal of licenses must be made on forms issued by the city auditor and must be accompanied by the required fee and contain any change in the information submitted since the original license was issued or the latest renewal granted.

25-2405. Term of License. Every license issued under the provisions of this chapter is valid for the period of January 1st of each year through December 31 of that year. Licenses must be posted in the office or on the premises of the mobile home community at all times. Any license issued after January 1st of any year shall be valid only until the following December 31st.

25-2406. Park Standards. In addition to the standards located in Section 20-0207 of Chapter 20 of the Fargo Municipal Code, each mobile home park or community shall comply with the following:

- A. The limits of each mobile home lot must be marked or clearly defined on the ground. The lot limits must be the same as shown on accepted plans.
- B. The mobile home stand must be improved to provide adequate support for placement. The stand may not heave, shift or settle unevenly under the weight of the mobile home due to inadequate drainage. The stand must be graded to provide drainage away from the stand. Permanent foundations shall comply with the requirements of the city building code.
- C. Mobile homes and attachments must be separated from each other and from other principal buildings or structures on adjacent lots in the community by at least fifteen feet.
- D. All streets within a mobile home community must be hard-surfaced and shall comply with the city zoning ordinances. All streets shall be maintained in good condition.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4952

E. The connection of water, fuel, sanitary sewer and electrical service must be under the supervision of the mobile home community owner or operator or a qualified representative of the utility company supplying fuel or electrical service. A mobile home may not be occupied before an inspection is conducted by the building official of the following items to insure ordinance compliance:

1. Water and sanitary sewer connections;
The electrical service conductors;
3. The placement of the home to insure sideyard and setback requirements;
4. A gas line test conducted by the owner or seller of the mobile home unit and certified by the building official;
5. Heating appliances for transportation damages;
6. Blocking to approved standards;
7. The home is secured by approved tie-downs to the stand.

F. Each new or altered mobile home lot must be provided with service equipment rated at not less than 100 amperes. Provisions may be made for connecting a mobile home power supply assembly by a permanent wiring method which may have 50-ampere receptacles conforming to the National Electrical Code. Each existing mobile home lot must be provided with an electrical service of adequate size to serve the mobile home load.

G. Fuel supply.

1. Gas equipment and installation within a mobile home community must be designed and constructed in accordance with the provisions of the International Fuel Gas Code, as adopted by the city. Each lot must be provided with an accessible, listed gas shutoff valve. The valve may not be located under the mobile home. The connector between the gas supply line and the mobile home must be an approved listed flexible mobile home connector of sufficient capacity to supply gas to the connected load.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4952

2. Fuel oil equipment and supply must be designed and installed in accordance with the International Fuel Gas Code and the International Fire Code, as adopted by the city.

H. A mobile home community must be provided with an adequate supply of potable water complying with the state health department standards for drinking and domestic use.

I. Each mobile home lot must be provided with sanitary sewer and water connections. Such plumbing facilities shall conform to the city's plumbing code.

J. Any buildings housing toilet rooms and/or laundry facilities must be a permanent structure. The interior surfaces must be moisture resistant and readily cleanable. Such structures shall meet the requirements of the city building code.

K. Accessory buildings.

1. Accessory buildings and carports must be of standard construction and shall meet the requirements of the city building code. An attached entryway may not obstruct any required exitway from the mobile home. No more than one entryway is allowed for each mobile home. The entryway is limited to a maximum of 120 square feet in size. A porch or deck that is open on at least two sides except for roof supports and guardrails need not be included in the allowable square footage of the attached entryway.

2. Individual storm shelters are permitted provided they meet the requirements of the city building code and the consent of the community manager has been obtained. Such shelters may not be included in lot coverage requirements of the zoning ordinances or be counted as an accessory building to the mobile home lot.

3. A detached garage may be allowed providing the following requirements are met:

a) Garages must be located at least seven and one-half feet from the dividing line between mobile home lots. They shall be at least 15 feet from the mobile home or any attachment thereto on a neighboring lot.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4952

b) A minimum of six feet must be maintained between a garage and a mobile home or attachment thereto on the same lot.

c) A 20-foot setback must be maintained between the front of the garage and any public or private street.

d) The above setback and sideyard clearances apply unless a greater clearance is required by the zoning ordinances if the mobile home, attachment, or accessory buildings is located adjacent to a public right-of-way. These clearances must be to the walls of the structure involved; a roof overhang may extend a maximum of two feet into the setback or sideyard.

e. Accessory buildings on a mobile home lot are limited to one attached entryway not to exceed 120 square feet, one detached storage or utility building not to exceed 120 square feet, and one detached garage as specified in this section.

f. Carports may not project beyond the front or rear edge of the mobile home. Carports must be set back a minimum of 20 feet from the walkway, a minimum of seven and one-half feet from the lot line, and must be located at least 15 feet from any other mobile home and its attachments.

g. Accessory structures must be attached to proper foundations. Exceptions to foundations may be granted by the building official provided the methods used shall render them rodent proof and resistant to wind damage.

h. Accessory buildings may not be constructed without building permits.

h. Accessory storage or utility structures shall comply with setback and sideyard requirements of the zoning ordinances.

25-2407. Certification Label. Each mobile home shall be affixed with a permanent label certifying that the mobile home complies with the requirements of the U.S. Department of Housing and Urban Development and is constructed in conformance with the federal mobile home construction and safety standards.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4952

Section 2. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$1,000; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 3. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

s/
Timothy J. Mahoney, Deputy Mayor

Attest:
s/
Steven Sprague, City Auditor

First Reading: 11-24-14
Second Reading: 12-8-14
Final Passage: 12-8-14
Publication: 12-22-14