

1 **2.11 Crew Camp Housing**

2
3 **2.11.1 Definitions**

4 As used in this Ordinance:

- 5 (1) “Crew camp” means a conglomerate of portable modular quarters (PMQ) and
6 their appurtenances, erected, co-located, and/or assembled by an owner or
7 operator offered to others for purchase or at a fee as temporary sleeping rooms,
8 regardless of whether meals are provided on site. A crew camp’s PMQs are not
9 constructed on nor permanently affixed to either a concrete block or cement
10 foundation with a footing extending below the frost line.
- 11 (2) A “crew camp permit” is a revocable conditional authorization issued by the
12 Stutsman County Board of Commissioners to the holder allowing construction
13 and/or operation of a crew camp.
- 14 (3) “Occupied structure” as used in this crew camp section of the ordinance means a
15 structure in which people live on a permanent basis. It includes but is not limited
16 to a residence, dwelling, apartment house, condominium, residential subdivision
17 platted and recorded under NDCC 11-33.2 its predecessor or successor law, a
18 town site, addition or subdivision platted and recorded under NDCC 40-50.1 its
19 predecessor or successor law. It includes a lot that is being developed for use as a
20 structure in which people will live on a permanent basis that is under construction
21 (e.g. surface has been improved in preparation for construction) at the time the
22 application for the crew camp permit is submitted to the county zoning
23 administrator.
- 24 (4) “Portable modular quarters” (PMQ) means a structure or container that is used as
25 a sleeping room or dwelling, that can stand alone or be integrated into a series,
26 which when prefabricated is towed to or carried to the site, or when not
27 prefabricated is assembled on site, but regardless of where it is manufactured or
28 assembled it is not designed as a permanent single family dwelling or a permanent
29 multiple family dwelling and when in use it is not placed on nor permanently
30 affixed to a foundation with a footing that extends below the frost line.
- 31 (5) “Utility service” means supply of water, sewage, electric or other power, that is
32 located externally to the structure and is capable of serving more than one
33 structure or a conglomerate of structures.

34
35 **2.11.2 Crew Camp Permit**

- 36 (1) Possession of a crew camp permit does not authorize the holder to
37 construct or operate a crew camp anywhere in a township the holder pleases. A
38 township may limit its relinquishment of zoning authority over crew camps so as
39 to retain authority to specify in which zoning district(s) crew camps are a
40 permitted use or a conditional use.
- 41 (2) The Crew Camp Permit is issued by the Stutsman County Board of
42 Commissioners. The Board may rely on the Stutsman County Planning and
43 Zoning Commission, the Stutsman County Zoning Officer and other County
44 officers or bodies for administration and recommendations related to crew camp

45 permits.

- 46 (3) A crew camp permit does not exempt the holder from constructing, maintaining,
47 and operating the crew camp in accordance with applicable law, rules, codes,
48 and/or regulations; nor from obtaining building permits or regulatory inspections.
- 49 (4) A crew camp permit authorizes construction and operation of a crew camp not to
50 exceed the design approved. After the permit is issued, any modification of the
51 crew camp that would increase the bed capacity must first be approved by the
52 Stutsman County Board of Commissioners. Failure to gain prior approval is a
53 violation of this Ordinance.
- 54 (5) A crew camp permit is issued for 24 months. After the initial issue of a 24 month
55 permit, the permit may be renewed by the County Board a limit of two times with
56 each renewal having a duration of 24 months. A holder must apply for renewal
57 90 days or more prior to the expiration of its permit. Failure to apply 90 or more
58 days before expiration is grounds for denial of the request to renew or other
59 sanction available under this Ordinance or remedy available by law. When, in the
60 process of reviewing a request for renewal the County Board determines the
61 holder is failing or has in the past failed to satisfy the obligations imposed by this
62 ordinance, including but not limited to the obligation to abide by applicable law,
63 code and regulation, the County Board may deny the request for renewal. No
64 crew camp permit may be renewed more than twice. No crew camp may be
65 permitted to construct and operate a total exceeding 72 months.
- 66 (6) Transfer of the permit must be approved by the Stutsman County Zoning and
67 Planning Commission. In order for the Commission to authorize transfer, the
68 transferee must exhibit to the Commission that the transferee has satisfied or will
69 soon satisfy all the applicable responsibilities of this Ordinance. The Commission
70 may approve transfer of the Permit prior to satisfaction of the obligations if the
71 Commission reasonable ascertains the transferee is well prepared to satisfy all
72 requirements in an acceptable amount of time. Should a transfer be approved on
73 the understanding that shortcomings will be remedied promptly, failure of the
74 transferee to promptly remedy the shortcomings is grounds for termination,
75 suspension, or other administrative under this Ordinance or action under the law
76 in general.

77
78 **2.11.3.1 Application Procedure**

- 79 (1) The application for a Crew Camp Permit must be submitted to the Stutsman
80 County Zoning Officer who will conduct a preliminary review and if satisfied the
81 major obligations imposed by this Ordinance seem to have been satisfied the
82 Zoning Officer will forward it to the Stutsman County Planning and Zoning
83 Commission for review.
- 84 (2) A report of inspection documenting the preconstruction condition of the proposed
85 crew camp site, adjoining properties, and the roads servicing the proposed crew
86 camp will be made by the Zoning Administrator with assistance from the
87 Stutsman County Highway Department if needed. This report shall serve as a
88 basis to which the property shall be restored to following decommissioning of the

89 crew housing facility. In the event that the property owner requests that
90 improvements remain intact, approval must be granted according to local zoning
91 ordinances prior to the decommissioning process.

- 92 (3) The Planning and Zoning Commission will hold at least one public meeting on
93 the application. The Planning and Zoning Commission will eventually make a
94 recommendation for approval, denial, or any other appropriate action to the
95 Stutsman County Board of Commissioners. An application will be approved only
96 after the County Board of Commissioners is satisfied all the conditions precedent
97 in this ordinance have been satisfied.
98

99 **2.11.3.2 Application Contents**

100 An application for a crew camp permit must be signed by the owner of the land, the
101 lessor of the property, or an authorized representative and shall include the following
102 information.

- 103 (1) The legal description of the property on which the crew camp will be located.
104 (2) A copy of the current lease for any real property involved.
105 (3) A copy of all required permits, or approval, including but not limited to those
106 issued by the North Dakota State Health Department, Stutsman County Rural
107 Water District, and Central Valley Health District including fresh water.
108 (4) Plans drawn to scale showing, PMQs, structures, setbacks, utilities, drainage,
109 ingress and egress, parking, screens, buffers, fencing, emergency service roads,
110 names of streets, the number assigned to each structure and each PMQ, and the
111 occupancy capacity of each PMQ and each common room.
112 A. Plans must describe a facility numbering system for all structures that
113 clearly identifies each structure and all roads in the facility for purposes of
114 emergency responses. PMQs shall be numbered from low to high in
115 proximity to the main entrance that is clearly and easily identified on the
116 side of each structure using reflective lettering and/or numbering.
117 (5) A description of the how the PMQs, the common areas, and the
118 appurtenant structures will be manufactured/constructed, and if anchored
119 or affixed to the earth, how.
120 (6) A statement of the total number of beds the facility will contain.
121 A. A breakdown of the types of PMQs.
122 B. Floor plans for the various PMQs and the common areas.
123 C. A summary of square footage of the entire facility's structures and PMQs.
124 (7) A site security plan that includes the following
125 A. A statement of permission to enter and inspect the facilities at reasonable
126 times for purposes of determining number of beds and compliance with
127 this ordinance with permission being given to Stutsman County, its
128 officials, employees, and designees including but not limited to the sheriff
129 and deputies, the zoning officer, the county board members, zoning and
130 planning committee members, the state's attorney, and the county auditor
131 B. A method of controlling entrance to the crew camp which includes
132 construction and maintenance of a contiguous perimeter fence that is six

- 133 feet high.
- 134 C. A method for accounting for all residents and staff on premises at any
- 135 given time by name.
- 136 (8) A list of crew camp rules and regulations including the following.
- 137 A. Storage or possession of a firearm or a dangerous weapon as defined at
- 138 NDCC § 62.1-01-01 or its successor, in a PMQ or other part of the
- 139 residential area is prohibited. Storage or possession of a firearm on the
- 140 crew camp property is prohibited except when the firearm is lawfully
- 141 possessed, locked inside or locked to a private motor vehicle in a parking
- 142 lot, and the person possessing the firearm is lawfully in the area. See
- 143 NDCC § 62.1-02-13. Possession of secured firearm--Prohibition by
- 144 employer prohibited.
- 145 B. Alcohol consumption or possession on the premises is prohibited.
- 146 C. Any resident or employee who is convicted of committing any criminal
- 147 offense on the crew camp premises or a felony regardless of the location
- 148 of the offense must be immediately and permanently ejected, and/or
- 149 evicted and in the case of an employee terminated.
- 150 D. The camp will not tolerate criminal or disorderly conduct.
- 151 (9) A statements describing adequate methods of providing these utilities and
- 152 services.
- 153 A. Potable water supply.
- 154 B. Power supply. If a camp is to be supplied with electricity through
- 155 generators, the plan must describe how they will be housed or otherwise
- 156 sound proofed.
- 157 C. Effluent management, particularly sewage and grey water handling.
- 158 D. Refuse disposal.
- 159 E. Fire and emergency evacuation.
- 160 (10) The applicant's name, address, phone number, and email address. When the
- 161 applicant is a corporation or other business association, the applicant shall submit
- 162 the names of the officers and directors of the corporation and satisfactory proof of
- 163 the authority of the signatory to the application to bind the corporation as well as
- 164 the name and address in the State of North Dakota for the agent for service of
- 165 process.
- 166 (11) The on site manager's name, address, phone number, and email address as well
- 167 as the same for an alternate emergency point of contact.
- 168 (12) Plans for site recovery, including the following.
- 169 A. What will be done with the PMQs, the common areas, and supporting
- 170 structures and appurtenances.
- 171 B. How the improvements will be removed.

2.11.4 Unsuitable Applicant or Premises

The Stutsman County Board of Commissioners may at its discretion deny an application for a crew camp permit, or renewal thereof, when, the applicant's character or experience is insufficient or if the premises itself is geologically, ecologically, or practically unfit for

177 a crew camp.
178

179 **2.11.5 Prohibited Housing Types**

180 Use of recreational vehicles or mobile homes as PMQs in a crew camp is prohibited.
181

182 **2.11.6.1 Prohibited Activities**

- 183 (1) Storage or possession of a firearm or a dangerous weapon as defined at NDCC §
184 62.1-01-01 or its successor, in a PMQ or other part of the residential area is
185 prohibited. Storage or possession of a firearm on the crew camp property is
186 prohibited except when the firearm is lawfully possessed, locked inside or locked
187 to a private motor vehicle in a parking lot, and the person possessing the firearm
188 is lawfully in the area. See NDCC § 62.1-02-13. Possession of secured firearm--
189 Prohibition by employer prohibited.
- 190 (2) Alcohol consumption or possession on the premises is prohibited.
- 191 (3) All residents and employees are prohibited from being convicted of any criminal
192 offense on the crew camp premises or a felony regardless of the location of the
193 offense.
- 194 (4) Parking vehicles between the PMQs is prohibited.
- 195 (5) Pets are prohibited.
- 196 (6) Allowing garbage, junk, litter, debris, unused construction materials, or refuse to
197 accumulate or remain on site is prohibited. Storage of equipment or materials that
198 are not directly related to the crew camp's purpose of housing workers is
199 prohibited.
- 200 (7) Falsifying any statement or portion of the application or failing to provide
201 material information in the application that is mandated by the application
202 procedure are prohibited acts and omissions.
- 203 (8) Violation of any law, statute, code, rule, or regulation regarding operation and
204 maintenance of a facility such as this, including but not limited to those having to
205 do with crime, health, sanitation, taxes, labor, and employment is prohibited.
- 206 (9) Conducting business on the premises, or allowing it to be conducted in a manner
207 that causes a nuisance, public or private, see NDCC 42-01, or in a manner that
208 constitutes a crime is prohibited.
- 209 (10) Failure of the holder, it's officers or directors to maintain good standing is
210 prohibited. Misdemeanor or felony conviction of the holder, or any of its officers
211 or directors for conduct taking place on the crew camp premises or directly
212 related to the holder's capacity to conduct affairs of the nature of a crew camp is
213 prohibited.
- 214 (11) The holder must remain solvent. Filing for bankruptcy by the holder is
215 prohibited.
- 216 (12) Transfer of responsibility for conduct of the operation, of the real property or
217 lease providing the basis for the operation, or substitution of a substantial portion
218 of officers, directors, or shareholders of the holding corporation without first
219 gaining the County Board of Commissioner's authorization to transfer the permit
220 is prohibited.

- 221 (13) Failure to keep either the bond or the insurance policy required by this Ordinance
222 in effect at the full amount required by this Ordinance is prohibited. Failure to
223 replenish, replace, or otherwise reacquire a bond at the full amount required by
224 this Ordinance, including but not limited to after all or a part of the bond has been
225 assessed, seized, or otherwise collected by action of Stutsman County is
226 prohibited.
- 227 (14) Adding to the total number of beds specified in the crew camp application without
228 prior approval or authorization of the County Board is prohibited.
- 229 (15) Failure to pay on time taxes, fees, Workforce Safety and Insurance premiums, or
230 employees is prohibited.
- 231 (16) Failure to keep the service road open to 25 feet is prohibited.
- 232

233 **2.11.6.2 Mandated Conditions**

- 234 (1) A crew camp must have a perimeter fence that is six feet high. All PMQs,
235 emergency service streets, and appurtenant facilities such as resident parking,
236 common areas, recreational areas, laundry, food preparation, dining,
237 maintenance, and storage facilities must be contained within the perimeter fence.
- 238 (2) A crew camp's perimeter fence must be set back 1320 feet from every other
239 property owner's occupied structure(s). A crew camp perimeter fence may be set
240 back less than 1320 feet when the applicant/holder has obtained waivers from any
241 landowner directly affected and the applicant/holder provides them to the County
242 Board who then duly approves the exception. In the case of a platted subdivision
243 and/or auditor's lot, the 1320 foot setback must be from the exterior property line
244 of the platted subdivision and/or auditor's lot to the nearest point on the perimeter
245 fence.
- 246 (3) The building intensity inside the perimeter fence must be at least 3 square feet of
247 open space for every 1 square foot of structure. For purposes of this calculation
248 paved areas such as a parking lot, a covered picnic pavilion, a tennis court or a
249 basketball court will not be considered a structure.
- 250 (4) At least one off street parking spot must be provided for every bed in the facility
251 as well as one for every employee. Parking stalls must be at least 8'6" wide and
252 18' long. Crew and employee parking must be contained inside the perimeter
253 fence. In addition, another area must be provided for trailers and oversized
254 vehicles.
- 255 (5) All PMQs and common areas will be within 200 feet of an emergency service
256 street or parking area served by a road that is at least 25 feet wide. The 25 foot
257 road must be kept passable, and clear of debris and obstructions.
- 258 (6) The holder must implement and maintain a numbering system for all structures
259 and PMQs that includes a durable easily readable reflective plate being affixed to
260 each PMQ. The numbering scheme must comply with the requirements specified
261 in section, "2.11.3.2 Application Contents" and the number plates must be kept
262 clean and free of obstructions.
- 263 (7) The permit holder must maintain the premises and conduct the operation in
264 accordance with the assertions, indications, and limits set out in its application,

- 265 including but not limited to:
- 266 A. Maintaining ownership or a leasehold interest in the property.
 - 267 B. Complying with all applicable federal, state, and local laws, rules,
 - 268 regulations, and codes.
 - 269 C. Constructing and maintaining the premises and buildings as indicated in
 - 270 the plans and in a clean and orderly manner.
 - 271 D. Allow inspection by Stutsman County and it's designees.
 - 272 E. Operate the camp in accordance with:
 - 273 (i) the site security plan;
 - 274 (ii) camp rules and regulations; and
 - 275 (iii) the description of methods of providing services and utilities.
 - 276 G. Recover the site to pre construction and pre operation condition.
- 277 (8) The holder of the crew camp permit is responsible for satisfying all obligations
- 278 imposed by the Century Code on an owner of "temporary work camp housing"
- 279 including but not limited to the obligations of site recovery set out in NDCC 54-
- 280 21.3-04.3(3) and its successor versions.
- 281 (9) When this Ordinance establishes a higher standard of care for the holder than one
- 282 set out by state statute, or other applicable law, code, or regulation, the holder is
- 283 legally bound to fulfill the higher standard in this Ordinance.
- 284

285 **2.11.6.3 Surety Bond**

286 Initial issue, retention, and/or any subsequent renewal of a crew camp permit is

287 conditioned on the applicant/holder providing documentary proof that it has acquired and

288 holds a surety bond in the amount of \$1,000,000 payable to Stutsman County. The bond

289 must be structured to require payment from the surety to Stutsman County for any failure

290 of the applicant/holder to uphold an obligation whether mandated or prohibited, set out in

291 this ordinance or other law. The bond must assure the applicant/holder will conduct its

292 construction and operation in conformity with this Ordinance and that the holder of a

293 crew camp permit will satisfactorily restore the site prior to the expiration of the

294 temporary crew camp permit. The holder of the crew camp permit must keep in place

295 this \$1,000,000 bond at all time from the initial issuance of the permit, through operation,

296 during any and all renewals of the crew camp permit, and through final County approval

297 of restoration.

298

299 **2.11.6.4 Liability Insurance**

300 Initial issue, retention, and/or any subsequent renewal of a crew camp permit is

301 conditioned on the applicant/holder obtaining and keeping in place at all time from

302 issuance of the permit through any renewal of the permit and the County's approval of

303 site recovery a \$2,000,000 general premises and activities liability insurance policy. This

304 policy is distinct from and in addition to the previously mentioned surety bond.

305

306 **2.11.6.5 Administration Fee**

307 An annual \$300 per bed administrative zoning fee must be paid by the permit holder to

308 Stutsman County and is due at the time the permit is issued. The annual fee must be paid

309 to the Stutsman County Treasurer within 12 months of the initial issuance of the crew
310 camp permit and submitted at the time any application for renewal is advanced. The
311 administrative fee does not relieve the holder/applicant or owner of the land from the
312 obligation to pay property tax on the earth but does relieve the holder/applicant or owner
313 from paying tax on the improvements on the land made for the purposes of the crew
314 camp operation and only so long as there is a crew camp permit.

315
316 **2.11.7 Revocation, Suspension, and Administrative Sanctions**

- 317 (1) Obligations of the holder, prohibited conduct, and conditions are expressed
318 throughout this Ordinance. In some instances a statement to the effect that failure
319 to fulfill the obligation or commission of the prohibited act is grounds for
320 termination is included in the same paragraph as the obligation or prohibition.
321 Whether or not that warning is specified in close proximity to the obligation or
322 prohibition, failure to accomplish any obligation expressed in this Ordinance or
323 commission of any conduct prohibited under this Ordinance constitutes grounds
324 for termination or any other applicable dispositional alternative specified in this
325 Ordinance including Appendix II. Failure to satisfy or implement either the
326 conditions listed in the “Prohibited Activities” section 2.11.6.1 or the “Mandated
327 Conditions” section 2.11.6.2, are grounds for termination, suspension, or sanction,
328 but they are not the exclusive grounds. Failure to comply with any obligation in
329 this ordinance constitutes grounds for revocation, suspension, and/or
330 administrative action.
- 331 (2) Upon cause and due process as specified in Appendix II of this Ordinance, the
332 County Board of Commissioners may in addition to other legal options provided
333 by the law of the State of North Dakota impose an administrative sanction on the
334 holder, and/or suspend or revoke the crew camp permit. The \$10,000 ceiling on
335 administrative sanctions specified in Appendix II is hereby expressly increased to
336 \$50,000 for purposes of crew camp violations.
- 337 (3) When any permit is revoked or suspended for any reason, no portion of the permit
338 fee shall be returned to the applicant.
- 339 (4) The surety bond must remain in place until the site is recovered, even if the permit
340 is revoked, suspended, expires, or is not renewed.

344 **INTEGRATION**

345
346 In the definitions section, at page 3 of the Stutsman County Zoning Ordinance, the following
347 definitions will be added.

348
349 "Campground" means any parcel of land containing three or more lots intended for
350 occupancy by travel trailers or tents.

351
352 "Trailer park" means any parcel of land containing three or more lots intended for
353 occupancy by travel trailers.

354
355 "Travel trailer" means any portable unit designed to be used as a temporary dwelling
356 for travel or recreational purposes. The term travel trailer includes the following:

- 357 a. An independent travel trailer, which is a travel trailer containing toilet and
358 lavatory facilities.
- 359 b. A dependent travel trailer, which is a travel a travel trailer containing either toilet
360 or lavatory facilities or having neither facility.

361
362 Add crew camps as a conditional use in the districts indicated below.

363
364 **SECTION 3.2 AGRICULTURAL DISTRICT (A)**

365 Conditional Uses

- 366 12. Crew camps

367
368 **SECTION 3.5 COMMERCIAL (C) ZONE**

369 Conditional Uses

- 370 5. Crew camps.

371
372 **SECTION 3.6 INDUSTRIAL (I) ZONE**

373 Conditional Uses

- 374 1. Single-family residential dwellings;
- 375 2. ~~Temporary work camps, provided that: such camps shall provide occupancy only~~
376 ~~for those persons directly involved in the construction of industrial facilities~~
377 ~~during such construction. No such camp shall be in existence for more than 18~~
378 ~~months. All such camps must be approved prior to occupancy by the County~~
379 ~~Sanitarian;~~
380 Crew camps;
- 381 3. Electrical generation facilities with greater than five megawatts (5 MW) rate
382 output;
- 383 4. Livestock slaughter and meat processing operations, provided that: written proof
384 shall be provided to the Stutsman County Planning and Zoning Commission that
385 any livestock slaughter and/or meat processing operations meet or exceed State
386 Health Department standards and are approved by the County Sanitarian shall be
387 furnished prior to commencement of any such operations;

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5. Wrecking, junk and salvage yards.