

ORDINANCE NO. 1437

An ordinance amending Chapter 9 by adding new article VII of the Code of the City of Jamestown, North Dakota which sets forth provisions regulating crew camps in the City of Jamestown.

WHEREAS, the City of Jamestown and Stutsman County are undergoing economic growth and development;

WHEREAS, the development requires construction which is bringing temporary workers to the area who require temporary housing;

WHEREAS, some employers provide temporary housing for the temporary workers;

WHEREAS, the City Council of the City of Jamestown desires to put provisions into place to address any temporary housing or “man camps” that may be located in the City of Jamestown due to the economic growth and development and the construction for the new developments.

NOW, THEREFORE, be it ordered by the City Council of the City of Jamestown, North Dakota that Chapter 9 of the Jamestown City Code be amended by adding new article VII as follows:

ARTICLE VII. Temporary Crew Camps

Sec. 9-48. Definitions.

For purposes of this Article, the following words shall have the following meanings:

- (a) “Applicant” is the individual, corporation, or other business association, that is applying for a crew camp permit.
- (b) “Crew camp” means a conglomerate of portable modular quarters (PMQ) and their appurtenances; erected, co-located, and/or assembled for a business for its employees, either by the business or a crew camp owner or operator at the request of the business, offered to the employees for purchase or at a fee as temporary sleeping rooms, regardless of whether meals are provided on site. Crew camps may only be occupied by employees of a requesting business.
- (c) A “Crew Camp Permit” is a revocable, conditional authorization issued by the City Council of the City of Jamestown to the permit holder allowing construction and/or operation of a crew camp.
- (d) “Occupied structure” means a structure in which people live on a permanent basis. It includes but is not limited to a residence, dwelling, apartment house, condominium, or a residential subdivision platted and recorded. It includes a lot that is being developed for use as a structure in which people will live on a permanent basis that is under construction, e.g. the surface has been improved in preparation for construction, at the time the application for the crew camp permit is submitted to the City Administrator.

(e) “Permit Holder” is the individual, corporation, or other business association, which has been awarded a crew camp permit.

(f) “Portable modular quarters” (PMQ) means a structure or container that is used as a sleeping room, that can stand alone or be integrated into a series, which, when prefabricated, is towed to or carried to the site, or when not prefabricated is assembled on site, but regardless of where it is manufactured or assembled, it is not designed as a permanent single or multiple family dwelling and such structure shall be placed upon a stand, which shall not heave, shift or settle unevenly under the weight of the structure as a result of any frost action, poor drainage, vibration, or other similar forces, which provides an adequate base for anchoring the structure to secure it against any accidental movement or other acceptable anchoring system.

(g) “Utility service” means supply of water, sewage, electric or other power, that is located externally to the structure and is capable of serving more than one structure or a conglomerate of structures.

Sec. 9-49. Crew camp permit required.

No person shall operate a crew camp or allow the operation of a crew camp on land owned or controlled by him within the city without first obtaining a crew camp permit and complying with the terms and provisions of this Article. Crew camp permits may be revoked or suspended pursuant to this Article.

Sec. 9-50. Location of crew camps.

Crew camps may only be in locations that are zoned M-1 or M-2 under the Code of the City of Jamestown.

Sec. 9-51. Crew camp permit application.

Any person desiring the permit required by this Article shall apply in writing to the City Administrator on the application provided by the city. The application must contain:

(a) The applicant’s name, address, telephone number, and email address. If the applicant is a corporation or other business association, the applicant shall provide the names of the officers and directors of the corporation, satisfactory proof of the authority of the signatory to the application to bind the corporation, and the name and address of the agent for service of process in the State of North Dakota;

(b) The names, addresses, work telephone numbers, cellphone numbers and email addresses for the crew camp’s on-site manager and alternate emergency point of contact;

- (c) The legal description of the property on which the crew camp will be located;
- (d) A copy of the current lease for any real property involved, if applicable;
- (e) Signatures of the land owner and/or the lessor of the property, if applicable;
- (f) A report of inspection, made by the City Building Inspector or his designees, or the City Engineer or his designees, documenting the preconstruction condition of the proposed crew camp site, adjoining properties, and the roads servicing the proposed crew camp;
- (g) A copy of all required permits, including but not limited to those issued by the North Dakota State Health Department, the Jamestown Water Department, and Central Valley Health District;
- (h) A professional site plan, drawn to scale, by a licensed architect, engineer, or other appropriate professional, which includes the requirements of this Article;
- (i) A description of the street lamps and/or lighting equipment that will be used to provide adequate lighting for all PMQs, structures, common areas, appurtenances, and roads within the crew camp;
- (j) The name of the crew camp, which must contain the phrase “crew camp” or word “camp”, that will be used on signs to identify the crew camp and a description of any logo, drawing, or diagram that will be used on the signs;
- (k) A description of how the PMQs, structures, and common areas will be manufactured or constructed, and how the PMQ, structure, or common area will be anchored or affixed to the earth, if applicable;
- (l) The floor plan and square footage for each different style of PMQ, structure, and the common area,
- (m) A summary of square footage of the entire facility’s PMQs, structures, and common areas;
- (n) A statement indicating the total number of beds the facility will contain;
- (o) A statement indicating the total number of projected employees;
- (p) The date the crew camp will be operational;
- (q) An estimate for the duration of use of the crew camp;
- (r) A site security plan, which includes the requirements of this Article;
- (s) Approved plans for fire protection and emergency response measures;
- (t) A list of crew camp rules and regulations, including the requirements in this Article;

- (u) The crew camp permit fee;
- (v) A statement describing adequate methods for providing the following utilities and services:
 - i. Potable water supply;
 - ii. Power supply - if a camp is to be supplied with electricity through generators, the plan must describe where the generators will be located, which location must be at least two hundred (200) feet from any other occupied structure, and how the generators will be housed or otherwise sound proofed;
 - iii. Effluent management, particularly sewage and grey water handling;
 - iv. Refuse disposal;
 - v. Fire and emergency evacuation.
- (w) A list stating the applicant's previous crew camp experience and a list of references, including any other cities where crew camps have been established; and
- (x) Plans for site recovery, including:
 - i. A site reclamation plan;
 - ii. Whether the PMQs, structures, and common areas will be removed from the site or reused on the site when no longer needed for the crew camp; and
 - iii. If removed, how the PMQs, structures, and common areas will be removed from the site.
- (y) Such other information as requested by the Planning and Zoning Commission or City Council.

Sec. 9-52. Approval of application.

- (a) Upon receipt of the completed application, the City Administrator shall forward the application to the City Planning and Zoning Commission for preliminary review.
- (b) The Planning and Zoning Commission shall hold at least one (1) public meeting on the application.
- (c) If the Planning and Zoning Commission determines the applicant has performed the requirements of this Article, the Planning and Zoning Commission shall forward the application to the City Council for review. The Planning and Zoning Commission shall make a

recommendation for approval, denial, or any other appropriate action to the City Council.

(d) Once the Planning and Zoning Commission refers the application to the City Council, the City Council shall review the application and determine compliance with the requirements of this Article. The City Council shall hold at least one (1) public hearing regarding the application.

(e) The City Council reserves the right to request any additional information or require any additional items upon its review of the application.

Sec. 9-53. Investigation of applicant.

The City Council may, in its sole discretion, request and/or investigate the applicant's habits, character and financial responsibility. The City Council may appoint a representative to conduct such investigation.

Sec. 9-54. Denial of application.

A Crew Camp Permit is issued by the City Council. The Council may rely on the City Planning and Zoning Commission and any other City employees, commissions or committees for recommendations related to crew camp permits. The City Council may deny an application for a Crew Camp Permit, or renewal thereof, if the applicant fails to comply with the application requirements or the Council determines the applicant's habits, character, experience or financial responsibility is insufficient. The Council may also deny an application if the proposed location of the crew camp is geologically, ecologically, or practically unfit for a crew camp.

Sec. 9-55. Term of permit, renewal of permit.

An initial Crew Camp Permit is issued for a two (2) year term. Upon application, a Crew Camp Permit may be renewed by the City Council for three (3) additional one (1) year terms. No crew camp may be permitted to operate for more than 60 months, including the time for construction. A Permit Holder must apply for renewal of the permit at least ninety (90) days prior to the expiration of the permit. Failure to apply at least ninety (90) days prior to the expiration of the permit may be grounds for denial of the renewal application. The City Council may, in addition to any other considerations permitted by this Article, deny the request for renewal if the City Council determines the Permit Holder is failing or has failed to satisfy any obligation imposed by this Article or other law, or has violated any prohibition in this Article or other law.

Sec. 9-56. Transfer of permits.

Crew Camp Permits may be transferred upon approval by the City Council. The Permit Holder must exhibit to the City Council that the Permit Holder or the permit transferee has satisfied all of the obligations and requirements of this Article. The permit transferee must comply with the

application requirements in Sec. 9-51 of this Article. The Permit Holder must sign the permit transferee's permit application. Should a permit transfer be approved with the understanding that any outstanding obligations will be promptly satisfied, failure of the Permit Holder or permit transferee to promptly comply with all the obligations of this Article or other applicable law is grounds for revocation or suspension of the permit.

Sec. 9-57. Building permits required; prohibition against increasing bed capacity.

A Crew Camp Permit authorizes construction and operation of a crew camp, which shall not exceed the design approved. A Crew Camp Permit does not exempt the holder from constructing, maintaining, and operating the crew camp in accordance with applicable law, rules, codes, and/or regulations; nor from obtaining building permits or regulatory inspections. After the Permit is issued, any modification of the crew camp that would increase the bed capacity must first be approved by the City Council of the City of Jamestown. Failure to gain prior approval is a violation of this Article.

Sec. 9-58. Buildings with utilities or services.

Any building or other facility which uses or houses any potable water supply, power supply, effluent management, or refuse disposal, including but not limited to laundry, kitchen, or other dining facilities, showers, bathrooms, or other sanitary facilities, or fire and emergency storage or shelter, shall be placed upon an acceptable foundation or anchored using an acceptable anchoring system.

Sec. 9-59. Crew camp numbering system.

- (a) All PMQs, structures, common areas and roads shall be numbered in accordance with the City of Jamestown policy.
- (b) The Permit Holder shall ensure the numbers are clearly and easily identified from the street or emergency service road, using reflective lettering and/or numbering affixed to each PMQ structure, and common area and shall be kept clean and free from obstructions.

Sec. 9-60. Reconstruction of crew camp site.

The report of inspection, made by the City Building Inspector or his designees, or the City Engineer or his designees, documenting the preconstruction condition of the crew camp site, adjoining properties, and the roads servicing the proposed crew camp shall be used by the permit holder or landowner as a base for restoring the property to the appropriate condition prior to the end of any permit term or renewal period thereof. In the event the property owner desires to retain the improvements, any local zoning ordinances and the procedures in this Code must be followed prior to the end of any permit term or renewal period thereof. The Permit Holder is responsible

for satisfying all obligations imposed by the North Dakota Century Code on an owner of “temporary work camp housing”, including but not limited to the obligations of site recovery pursuant to N.D.C.C. 54-21.3-04.3(3), as amended.

Sec. 9-61. Site plan.

The professional site plan, drawn to scale, by a licensed architect, engineer, or other appropriate professional, shall include, at a minimum, the following:

- (a) The location of all PMQs, structures, and common areas with the occupancy capacity of each;
- (b) All setbacks;
- (c) Ingress and egress to property and proposed structures;
- (d) Utilities, with reference to location, availability and compatibility;
- (e) Drainage;
- (f) The location of parking areas;
- (g) The location of required open space;
- (h) The location of street lamps and/or lighting equipment for all PMQs, structures, common areas, appurtenances, and roads within the crew camp;
 - (i) Refuse areas;
 - (j) Proposed screened, buffered and fenced areas indicating which type of material is to be used;
 - (k) The location of emergency service roads;
 - (l) The location of fire protection and medical or first aid facilities;
- (m) The names of streets;
- (n) The street number assigned to each PMQ, structure, or common area for identification and emergency response purposes; and
- (o) The location of any proposed signs;
- (p) Such other information as requested by the Planning and Zoning Commission or City Council.

Sec 9-62. Site security plan.

The crew camp site security plan shall include, at a minimum, the following provisions:

- (a) A method for controlling the entrance to the crew camp, which includes construction and maintenance of a contiguous perimeter fence that is at least a minimum of six (6) feet high;
- (b) A method for accounting for all residents and staff on premises at any given time by name.

Sec. 9-63. City's permission to enter.

The City of Jamestown, its officials, employees, and designees, including but not limited to the Chief of Police and his designees and the City Engineer and his designees, shall be allowed to enter and inspect the crew camp and its facilities at reasonable times for purposes of determining the total number of beds and compliance with this Article and any other law;

Sec. 9-64. Crew camp rules

The crew camp rules shall include, at a minimum, the following provisions:

- (a) That storage or possession of a firearm or dangerous weapon, as defined in N.D.C.C. §62.1-01-01 or its successor, in a PMQ or other residential area is prohibited. Storage or possession of a firearm on crew camp property shall be prohibited pursuant to N.D.C.C. §62.1-02-13, except when the firearm is lawfully possessed, locked inside or locked to a private motor vehicle in a parking lot, and the person possessing the firearm is lawfully in the area;
- (b) That alcohol consumption or possession on the crew camp premises is prohibited;
- (c) That an activity that is deemed criminal pursuant to the Jamestown City Code or the laws of this State shall not be permitted on the Crew Camp Premises;
- (d) That any resident or employee who is convicted of committing any criminal offense on crew camp premises or a felony, regardless of where the offense occurred, is immediately and permanently ejected and/or evicted, and if the person is an employee, terminated from employment;
- (e) That no vehicles shall be parked between PMQs;
- (f) That no pets shall not be allowed on the Crew Camp Premises;
- (g) That no garbage, junk, litter, debris, unused construction materials, or refuse shall be allowed to accumulate or remain on the Crew Camp Premises. Storage of equipment or materials that are not directly related to the purposes of housing or maintenance of the crew camp is prohibited.

- (h) That no business shall be conducted or allowed to be conducted on the Crew Camp Premises in a manner that causes a public or private nuisance, or in any manner that constitutes a crime; and
- (i) That failure to keep the service road open for a width of 25 feet is prohibited.

Sec. 9-65. Crew camp requirements.

- (a) At least one (1) off street parking spot must be provided for every bed in the crew camp and one (1) space for every employee. Parking stalls must be at least 8'6" wide and 18' long. Crew and employee parking must be contained inside the perimeter fence. An area must be provided for trailer and oversized vehicle parking.
- (b) All PMQs and common areas will be within two hundred (200) feet of an emergency service street or parking area served by a road that is at least twenty-five (25) feet wide. The twenty-five (25) foot road must be kept passable and clear of debris and obstructions. All twenty-five (25) foot wide roads shall be paved.
- (c) Crew camps shall only be placed at the location designated in the permit.

Sec. 9-66. Prohibited housing types.

Recreational vehicles, motor homes, mobile homes, skid units, or any other manufactured or homemade temporary or portable housing, even if not specifically included in this Article, are prohibited and shall not be used as PMQs, structures, or common areas in a crew camp.

Sec. 9-67. Permit holder's responsibilities.

The Permit Holder shall:

- (a) Not falsify any statement or portion of the application or fail to provide any material information required in the application. Failing to provide required information is deemed an omission and may be grounds for denial of the application.
- (b) Not violate any law, statute, code, rule, or regulation, including but not limited to those related to crime, health, sanitation, taxes, labor, and employment.
- (c) Not conduct business or allow business to be conducted on the crew camp premises in a manner that causes a public or private nuisance, or in a manner that constitutes a crime.
- (d) Maintain good standing with the City and not have any criminal convictions for conduct taking place on the crew camp premises or for conduct directly related to the Permit Holder's ability to operate a crew camp.

- (e) Remain solvent. Filing for bankruptcy by the Permit Holder, or lessor if applicable, is prohibited.
- (f) Not transfer responsibility for the operation of the crew camp, the crew camp PMQs, structures, or common areas, or transfer the crew camp permit without prior authorization of the City Council.
- (g) Keep in effect the bond or the insurance policy in the full amount, as required by this Article, even if all or part of the bond has been assessed, seized, or otherwise collected by action of the City of Jamestown.
- (h) Pay all taxes, fees, Workforce Safety and Insurance premiums, and employees on time.
- (i) Maintain the premises and conduct the operation of the crew camp in accordance with the assertions, indications, and limits set out in the application, the requirements of this Code, and state law, including but not limited to:
 - i. Maintaining ownership or a leasehold interest in the property;
 - ii. Complying with all applicable federal, state, and local laws, rules, regulations, and codes;
 - iii. Constructing the premises and buildings as indicated in the plans and maintaining such buildings in a clean and orderly manner;
 - iv. Allow inspection of the crew camp premises and all PMQs, structures, common areas, and appurtenant facilities by the City of Jamestown officials, officers, and employees and/or its designees;
 - v. Operate the camp in accordance with the site security plan, camp rules, and regulations, and the description of methods of providing services and utilities; and
 - vi. Recover the site to pre-construction and pre-operation condition.

Sec. 9-68. Perimeter fences.

- (a) A crew camp must have a perimeter fence that is at least six (6) feet high. All PMQs, structures, common areas, and appurtenant facilities, including but not limited to resident parking, recreational areas, laundry, food preparation, dinning, maintenance, and storage facilities must be contained within the perimeter fence.
- (b) Each side of the perimeter fence shall contain a sign with the name of the crew camp which shall be easily read and clearly visible from a distance of twenty-five (25) feet to identify the crew camp to passersby.

(c) The perimeter fence must be set back at least ten (10) feet from another property owner's occupied structure(s). A crew camp perimeter fence may be set back less than ten (10) feet if the Permit Holder obtains a waiver from all property owners directly affected by the reduced setback.

(d) Upon receipt of any waivers, the City Council will review the waivers and make a determination regarding the setback request. In the case of a platted subdivision and/or auditor's lot, the ten (10) feet setback must be from the exterior property line of the platted subdivision and/or auditor's lot to the nearest point on the perimeter fence.

(e) The building intensity inside the perimeter fence must be at least three (3) square feet of open space for every one (1) square foot of structure. Paved areas such as parking lots, covered picnic pavilions, outdoor tennis courts or outdoor basketball courts shall not be considered a structure.

Sec. 9-69. Surety bond.

Initial issuance, retention, and/or any subsequent renewal of a crew camp permit is conditioned on the Permit Holder providing documentary proof that it has acquired and holds a surety bond in the amount of one million dollars (\$1,000,000.00) payable to the City of Jamestown. The bond must be structured to require payment from the surety to the City of Jamestown in the event the Permit Holder violates any mandate or prohibition, specifically set out in this Article or other law. The bond must assure the Permit Holder will conduct its construction and operation of the crew camp in conformity with this Article and that the Permit Holder will satisfactorily restore the site to its pre-construction condition prior to the expiration of the temporary crew camp permit. The Permit Holder must maintain the million dollar (\$1,000,000.00) bond from the initial issuance of the permit through final approval of the site restoration by the City.

Sec. 9-70. Liability insurance.

Initial issuance, retention, and any subsequent renewal of a permit is conditioned on the Permit Holder obtaining and maintaining at all times, from issuance of the permit through approval of site recovery by the City, a two million dollar (\$2,000,000.00) general premises and activities liability insurance policy. This policy is distinct from and in addition to the surety bond.

Sec. 9-71. Permit fee.

The permit fee, whether for a new permit or a renewal permit, shall be established from time to time by resolution of the City Council. The permit fee is due at the time permit application is filed and due annually when a renewal application is filed.

Sec. 9-72. Revocation, suspension, and administrative sanctions.

In addition to any other legal options provided by law, any permit issued pursuant to this Article may be revoked or suspended by the City Council for any violation of any provision of this Article, city ordinance, state law, or for any reason the council may deem necessary. The City Council may also issue administrative sanctions against the permit holder.

Prior to a permit being revoked or suspended, or the issuance of administrative sanctions, the following procedure will be followed:

(a) The City Council shall direct the City Administrator to send written notification by certified mail, return receipt request, to the Permit Holder. The notice shall state:

- i. The grounds and/or reasons for revocation or suspension, or administrative sanctions;
- ii. The date the revocation or suspension is effective; and
- iii. That the Permit Holder has a right to a hearing and that such hearing must be requested within ten (10) days of receipt of the letter.

(b) If a hearing is requested, it will be before the City Council no earlier than ten (10) days and no later than thirty (30) days after the City Administrator receives the Permit Holder's request for a hearing. The Permit Holder shall have at least five (5) days advance notice of the time and place for the hearing.

(c) If after the hearing the City Council concludes the violation charged has been proved or it determines revocation, suspension, or administrative sanction is in the best interest of the public, the City Council may either permanently revoke the license or temporarily suspend the license for a period not exceeding sixty (60) days, or issue an administrative sanction not to exceed one thousand dollars (\$1,000.00) for each violation or offense.

(d) When a permit is revoked or suspended, or an administrative sanction is issued, regardless of the reason, no portion of the permit fee shall be returned to the applicant.

(e) The surety bond must remain in place until the site is recovered, even if the permit is revoked, suspended, expires, or is not renewed.

Sec. 9-73. Criminal Penalties.

Any person, whether as an owner, lessor, agent, manager, employee, lessee, or occupant, who violates, causes a violation, or with knowledge permits a violation of any provision of these regulations shall be guilty of a class B misdemeanor and, upon conviction, may be subject to a fine not to exceed one thousand five hundred dollars (\$1,500.00) per violation or subject to imprisonment not to exceed thirty (30) days, or both fine and imprisonment. Any person shall be deemed to have committed a separate violation for each and every day during any portion of which any violation of any provision of these regulations is committed, permitted, or continued by such person and shall be subject to the remedies provided in this section.

Sec. 9-74. Applicable law.

If this Article establishes a higher standard of care for the Permit Holder than required by state statute or other applicable law, code, or regulation, the Permit Holder shall be required to comply with the higher standard.

ATTEST:

Jeff Fuchs
City Administrator

APPROVED:

Katie Andersen
Mayor

Introduced by Council Member Gumke

Seconded by Council Member Brubakken

First Reading: March 3, 2014

Second Reading: April 7, 2014

Final Passage: April 7, 2014

Roll Call No. 15 showed: 5 ayes, 0 nays, 0 absent.