

**TRAYNOR / VAN HOOK PARK  
LAND USE RULES & REGULATIONS**

**BE IT RESOLVED, BY THE MOUNTRAIL COUNTY PARK BOARD, MOUNTRAIL COUNTY, NORTH DAKOTA, THAT:**

1. **TERMS:** The rules and regulations as set forth by the Mountrail County Park Board shall be binding to all parties and all persons claiming under them. The premises leased by said Park Board is property deeded from the Corps of Engineers and contains restrictions in said deed which limit the use of the property. A lotholder shall also be referred to as lessee.
  
2. **LAND USE:**
  - A. All lots described herein shall be known, described, and used solely as recreational leased lots. In no instances, shall a lot be used for commercial purposes.
  
  - B. No recreational leased lots shall be subdivided. Only one living quarter owned and occupied by the lessee will be allowed per lot. Any subdividing done prior to January 1, 1988 shall be subject to pay a separate lot rent for each living quarter. At such time lessee terminates or transfers his or her lease, only one living quarter on the lot will be allowed. No more than one lot will be allowed per lessee.
  
  - C. Lot rents will be billed the first week in January and due by March 1<sup>st</sup> of each year. A grace period of ten days from the due date will be allowed. Any lot rents paid within the allotted grace period will be assessed an additional \$100.00 late payment fee. If payment is not received by March 10<sup>th</sup>, such lot will revert back to the Mountrail County Park Board and such lot will be made available for lease. Lessee will have thirty (30) days from March 10<sup>th</sup> to remove all personal property from premises if lot reverts to said Park Board for non-payment of rent including any assessed late payment fee by the due date. Said Park Board has the right to remove from the lot all personal property not removed with thirty (30) days from termination.
  
  - D. A lease signed by the lessee is required and is renewable each year upon payment of lot rent by the due date. Such lease is on file in the Mountrail County Auditor's Office.
  
  - E. Party of the second part agrees to defend, indemnify, and hold harmless the party of the first part from any claim, demand, suit, loss, cost of expense, or any damage which may be asserted, claimed or recovered against or from the County of Mountrail by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury, or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the Lessee, their guests, or by third parties, or by the

agents, servants, employees or factors of any of them.

- F. All campers parked on a leased lot must pay a camping fee at the daily or weekly rate as established by said Park Board. Lot lessee must be present when guest campers are allowed to camp on their lot. The park manager may require guest campers to leave or move to another site due to safety reasons or other justified cause. A camper will not be allowed to camp on boulevards.

**3. TRANSFER OR TERMINATION OF LOT / LEASE:**

- A. Any lessee wishing to terminate his or her lease of a lot by the 'transfer method' must submit to said Park Board a signed written statement agreeing to terminate his or her lease. The Mountrail County Park Board will make the final decision on all lot transfers. A \$150.00 transfer fee shall be assessed to either the lessee or the person wanting the lot. The transfer fee will be paid and deposited into the County Park Fund.
- B. Lessee must comply with Section 15-C of the 'Land Use Rules & Regulations' upon termination of a lease.
- C. Upon death of lessee, lease will automatically transfer to surviving spouse. Any other transactions other than surviving spouse will be subject to said transfer provision as set forth in Section 3-A above.
- D. All lot rent and taxes must be current before a transfer is allowed.

**4. STRUCTURES:**

- A. Lessee must abide by all restrictions as recorded in the <sup>1</sup>Quitclaim Deed dated July 22, 1976 in Book 438, Page 523, as Document Number 222719, <sup>2</sup>Amended Quitclaim Deed dated July 28, 1987 in Book 547, Page 794, as Document 266626, and <sup>3</sup>Quitclaim Deed dated July 28, 1987 in Book 547, Page 791, as Document Number 266625 in the Office of the Mountrail County Recorder. All living quarters must meet the minimum standards as required by the ND State Health Department as listed in Sections 4-A-1, 4-A-2, and 4-A-3, and presented as livable within three months from the date of placement on the lot. The intent hereof is to prevent the installation of old dilapidated and unsightly structures from being moved in. In the event of failure to comply herewith, the occupancy shall be canceled and all structures removed from the lot with the lot occupant bearing the cost thereof.
  - 1. All vertical propane tanks must be secured by chaining them to solid supports or solid parts of buildings. All propane stands must be constructed of fire-resistant materials.
  - 2. To discourage rodent harborage, skirting must be installed on all units present year-round. Skirting shall be of solid construction except for an access opening near service connections. All living quarters on leased lots must be skirted. Units present on a seasonal basis do not need to be skirted.

3. The premises, including individual lots, shall be kept free of debris, garbage, etc. Building materials and firewood must be neatly stacked and stored at least one foot above the ground. Residents should not be storing refrigerators or freezers outside; however, if these items are present they must be securely padlocked to prevent entry by small children.
- B. The owner of the living quarter must live in same. The intent hereof being that no structure can be moved onto a lot for the purpose of renting the structure or room therein.
- C. Garages, storage buildings, car ports, additions may be allowed on lots if lot does not create a safety hazard. Lot lessee must obtain a land survey of his or her lot and an approved building permit from the Mountrail County Park Board prior to adding any additional structure to their lot. This includes decks, storage sheds, car ports, etc. The Mountrail County Park Board authorizes approval of building permits by the park manager and one or more of the park board members.
- D. All electrical hook-ups must be installed according to the North Dakota State Electrical Code, and certified by a master electrician.
- E. Effective from the date of January 30, 1995, all structures or attachments can be no closer than 7½ feet from the lot line or as otherwise approved by the Mountrail County Park Board and adjacent lessees. All structures and attachments moved onto lots before the January 30, 1995 date will be 'grandfathered-in'.

5. **LOT IMPROVEMENTS:**

- A. All lot improvements must be accomplished and paid for by the lot lessee and each lessee is required to keep his or her lot clean and presentable to the view. All lots must be kept mowed, trimmed and clean through the summer season (May 1 through September 30).
- B. Mountrail County personnel will mow, trim and clean lots that are not kept up. Lessee will be billed for this service at a rate as established by said Park Board.

6. **WATER & SEWAGE DISPOSAL:**

- A. No individual water supply system or sewage disposal system shall be permitted on any lot unless system meets the requirements, standards, and recommendations of the ND Department of Health. Approval and a permit for any such system installed shall be obtained from the Mountrail County Park Board.
- B. Existing outhouses and holding tanks will be acceptable as long as there are no problems with surfacing of sewage or nuisance conditions. Any lessee putting in a new

sewage disposal system must contact the Upper Missouri District Health Unit for prior approval before putting them in.

- C. Absolutely no run-off, drainage, or pumping sewage waste onto lots, roads or boulevards shall be allowed. Sewage waste must be kept in concrete holding tanks of a minimum 1000 gallons.
- D. A violation of this section is deemed to be a serious threat to the safety and health of all park users and will not be tolerated. Violators of this section could be assessed a \$150.00 fee and/or immediate termination of lot lease.
- E. All disposal of sewage waste must be disposed of by a licensed, bonded and commercial contractor.

**7. GARBAGE AND REFUSE DISPOSAL:**

- A. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers and covered at all times to prevent scattering, fly and odor nuisances.
- B. All incinerators or other equipment for the storage of disposal of such material shall be kept in a clean and sanitary condition.
- C. It is illegal to dispose household belongings such as refrigerators, stoves, televisions, water heaters, and other illegal dumping such as all metals, tires, batteries, and ashes on County Park property or Corps of Engineer's property. This type of solid waste or garbage is prohibited and must be removed from the park and disposed of in a correct manner. Violators of this section will be assessed a \$150.00 fee.

**8. EASEMENTS:**

- A. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.
- B. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements.
- C. The easement area of each lot and all improvements on it shall be maintained continuously by the lessee, except for improvements for which a public authority or utility company is responsible.
- D. No utility shall be placed on the boundary line of the easement.

**9. SIGHT DISTANCE AT INTERSECTIONS:**

- A. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of street lines, or in the case of a rounded property corner from the intersection of the street property lines extended.
- B. The same sight-line limitations shall apply on any lot within ten feet from the intersection of a street property line with the edge of a driveway or alley pavement.
- C. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-lines.

**10. TRAFFIC RULES:**

- A. State law regarding age and licensing of all motorized vehicles is to be strictly enforced at the park.
- B. Speed limit on all park roadways is to be 15 m.p.h. or as posted. All posted traffic control signs are to be adhered to by motorized and non-motorized vehicles, bicyclist, and pedestrians.
- C. Penalties for violators of traffic regulations shall be by fine of district court.
- D. All off highway vehicles are banned from the leased park area unless used by park personnel for custodial purposes. The ban will be strictly enforced by state and county law enforcement officers with the assistance of the park manager.
- E. Golf carts that have complied with the provisions of Title 39 of the North Dakota Century Code, and licensed thereunder, will be allowed in the Park only when driven by a licensed driver, and only during daylight hours. UTVs are also permitted if licensed and driven by a licensed driver, and only during daylight hours.

**11. SIGNS:**

- A. No signs of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot.

**12. NUISANCES:**

- A. No noxious or offensive activity shall be carried on upon any lot or public use area in the park nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- B. There shall be no storage of gasoline unless stored in approved containers.

**13. SIDEWALKS:**

- A. Public concrete sidewalks at least four feet wide by four inches thick may be installed a distance of at least six feet from the curb line and one foot from the property line of each improved lot and on side street of improved corner lots.

**14. ANIMALS, LIVESTOCK AND POULTRY:**

- A. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot; except dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.
- B. No pets are allowed in the park unless pets are leashed or caged and have proof of rabies shots.

**15. ENFORCEMENT:**

- A. A violation of any of the above park rules and regulations shall be grounds for the Mountrail County Park Board to rescind the violator's right to possession or occupancy of his or her lot(s).
- B. Invalidation of any one of the above rules and regulations by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.
- C. Upon termination of a lease, lessee shall have thirty (30) days from the termination of a lease in which to remove all personal property from the premises. Any permanent improvements made on the premises shall remain and become the property of the Mountrail County Park Board. Said Park Board will not compensate for any improvements made to a lot. Said Park Board has the right to remove from the lot all personal property not removed within thirty (30) days from termination.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 4<sup>th</sup> day of May, 1988.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 2<sup>nd</sup> day of December, 1992.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 8<sup>th</sup> day of March, 1995.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 25<sup>th</sup> day of September, 1996.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 4<sup>th</sup> day of March, 1997.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 21<sup>st</sup> day of October, 1997.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 19<sup>th</sup> day of May, 1998.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 4<sup>th</sup> day of December, 2001.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 7<sup>th</sup> day of November, 2002.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 6<sup>th</sup> day of June, 2006.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 15<sup>th</sup> day of June, 2010.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 19<sup>th</sup> day of June, 2014.

These Rules & Regulations are hereby amended and adopted by the Mountrail County Park Commission this 16<sup>th</sup> day of March, 2017

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Eric Jaeger, Chairman  
Mountrail County Park Commission

ATTEST:

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Stephanie A. Pappa  
Mountrail County Auditor