

SENATE BILL NO. 2384

Introduced by

Senators Fischer, DeMers, Nalewaja

Representatives Clark, Galvin, Skarphol

1 A BILL for an Act to amend and reenact sections 40-47-01.1 and 40-48-18 of the North Dakota
2 Century Code, relating to extraterritorial zoning and subdivision regulation of municipalities.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 40-47-01.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **40-47-01.1. Territorial authority of zoning regulations.**

7 1. Based upon the population of the city as determined by the last official regular or
8 special federal census or, in case of a city incorporated subsequent to such
9 census, a census taken in accordance with chapter 40-02, the governing body of a
10 city ~~may~~, by ordinance, may extend the application of a city's zoning regulations:

11 ~~4.~~ a. To each quarter quarter section of unincorporated territory the majority of
12 which is located within one and one-half miles [~~.80 kilometer~~ 2.41
13 kilometers] of its limits in any direction if it is a city having a population of less
14 than five thousand.

15 ~~2.~~ b. To each quarter quarter section of unincorporated territory the majority of
16 which is located within ~~one mile~~ three miles [~~1.61~~ 4.83 kilometers] of its limits
17 in any direction if it is a city having a population of five thousand or more, but
18 less than twenty-five thousand.

19 ~~3.~~ c. To each quarter quarter section of unincorporated territory the majority of
20 which is located within ~~two~~ six miles [~~3.22~~ 9.66 kilometers] of its limits in any
21 direction if it is a city having a population of twenty-five thousand or more.

22 ~~Provided, that where~~

23 2. Where two or more noncontiguous cities have boundaries at a distance where
24 there would be an overlap of zoning authority under this section, each city ~~is~~

1 ~~authorized to~~ may control the zoning of land on its side of a line established in
2 proportion to the authority each city has to zone land outside its limits in
3 accordance with this section or pursuant to mutual agreement. If the agreement is
4 not reconfirmed annually, the line reverts to where it would be located according to
5 a proportional division. The governing body may thereafter enforce ~~such the~~
6 zoning regulation in the area to the same extent as if ~~such the~~ property were
7 situated within the city's corporate limits.

8 3. This territorial authority ~~shall does~~ does not authorize the application of zoning
9 regulations to territory outside the corporate limits of land attached to a city by a
10 strip of land not more than one hundred feet [30.48 meters] wide, nor ~~shall does~~
11 this territorial authority authorize application of zoning regulations to territory
12 outside the corporate limits of land included within such a strip of land. For the
13 purposes of this section, a quarter quarter section ~~shall must~~ must be determined in the
14 manner provided by 2 Stat. 313 [43 U.S.C. 752].

15 **SECTION 2. AMENDMENT.** Section 40-48-18 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **40-48-18. Jurisdiction of subdivision regulation authority.**

18 1. The territorial jurisdiction of any city planning commission over the subdivision or
19 platting of land ~~shall include~~ includes all land located within the corporate limits of
20 the city. Based upon the population of the city as determined by the last official
21 regular or special federal census or, in case of a city incorporated subsequent to
22 such census, a census taken in accordance with chapter 40-02, the governing
23 body of a city ~~may~~, by ordinance, may extend the application of the city's
24 subdivision regulations:

25 ~~4.~~ a. To unincorporated territory located within one and one-half miles [~~1.80~~
26 ~~kilometer~~ 2.41 kilometers] of its limits in any direction if it is a city having a
27 population of less than five thousand.

28 ~~2.~~ b. To unincorporated territory located within ~~one mile~~ three miles [~~1.64~~ 4.83
29 kilometers] of its limits in any direction if it is a city having a population of five
30 thousand or more, but less than twenty-five thousand.

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Legislative Assembly

1 ~~3.~~ c. To unincorporated territory located within ~~two~~ six miles [~~3.22~~ 9.66 kilometers]
2 of its limits in any direction if it is a city having a population of twenty-five
3 thousand or more.

4 ~~Provided, that where~~

5 2. Where two or more noncontiguous cities have boundaries at a distance where
6 there would be an overlap of subdivision regulation authority under this section,
7 each city ~~is authorized to~~ may control the subdivision of land on its side of a line
8 established in proportion to the authority each city has to control the subdivision of
9 land outside its limits in accordance with this section or pursuant to mutual
10 agreement. If the agreement is not reconfirmed annually, the line reverts to where
11 it would be located according to a proportional division.

12 3. The governing body may thereafter enforce ~~such~~ the regulations in the area to the
13 same extent as if ~~such~~ the property were situated within the city's corporate limits.