

HOUSE BILL NO. 1359

Introduced by

Representatives Wrangham, Nathe, Weiler

Senator Klein

1 A BILL for an Act to amend and reenact section 40-51.2-04 of the North Dakota Century Code,
2 relating to exclusion from annexation.

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

4 **SECTION 1. AMENDMENT.** Section 40-51.2-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **40-51.2-04. Exclusion by petition of owners and electors.** Upon a petition signed by
7 not less than three-fourths of the qualified electors and by the owners of not less than
8 three-fourths in assessed value of the property in any territory within the limits of an
9 incorporated municipality and contiguous or adjacent to such limits, the governing body of the
10 municipality, by ordinance, may in its discretion, disconnect and exclude such territory from the
11 municipality. This section, however, applies only to lands ~~that have not been platted under~~
12 ~~either sections 40-50.1-01 through 40-50.1-17 or section 57-02-39, and where no on or~~
13 ~~adjacent to~~ municipal improvements have not been made or constructed ~~therein or adjacent~~
14 ~~thereto. Further, in the event.~~ If any property for which exclusion is petitioned has been within
15 the limits of an incorporated municipality for more than ten years ~~prior thereto~~ before the
16 petition and; as of the time of filing the petition, ~~is not platted and~~ has no municipal
17 improvements ~~thereon~~ on the property, the governing body of the municipality may disconnect
18 and exclude ~~such~~ the territory by ordinance from the municipality.