

Introduced by

Senator Heitkamp

Representative Magrum

1 A BILL for an Act to create and enact a new section to chapter 11-09.1, a new section to chapter  
2 11-33, a new section to chapter 40-05, and a new section to chapter 40-05.1 of the North  
3 Dakota Century Code, relating to the zoning authority of counties and cities with respect to  
4 abortion facilities.

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

6 **SECTION 1.** A new section to chapter 11-09.1 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Limitation on authority - Zoning - Abortion facility.**

9 Notwithstanding any other provision of law, the governing body of a county may not  
10 authorize an abortion facility as defined in section 14-02.1-02 to be located within thirty miles  
11 [48.28 kilometers] of a property line of a pre-existing public or private school. If a pre-existing  
12 abortion facility attempts to expand or otherwise rebuild, the governing body shall deny the  
13 request for a permit as a nonconforming use of the property.

14 **SECTION 2.** A new section to chapter 11-33 of the North Dakota Century Code is created  
15 and enacted as follows:

16 **Limitation on authority - Zoning - Abortion facility.**

17 Notwithstanding any other provision of law, the governing body of a county may not  
18 authorize an abortion facility as defined in section 14-02.1-02 to be located within thirty miles  
19 [48.28 kilometers] of a property line of a pre-existing public or private school. If a pre-existing  
20 abortion facility attempts to expand or otherwise rebuild, the governing body shall deny the  
21 request for a permit as a nonconforming use of the property.

22 **SECTION 3.** A new section to chapter 40-05 of the North Dakota Century Code is created  
23 and enacted as follows:

24 **Limitation on authority - Zoning - Abortion facility.**

1 Notwithstanding any other provision of law, the governing body of a city may not authorize  
2 an abortion facility as defined in section 14-02.1-02 to be located within thirty miles [48.28  
3 kilometers] of a property line of a pre-existing public or private school. If a pre-existing abortion  
4 facility attempts to expand or otherwise rebuild, the governing body shall deny the request for a  
5 permit as a nonconforming use of the property.

6 **SECTION 4.** A new section to chapter 40-05.1 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Limitation on authority - Zoning - Abortion facility.**

9 Notwithstanding any other provision of law, the governing body of a city may not authorize  
10 an abortion facility as defined in section 14-02.1-02 to be located within thirty miles [48.28  
11 kilometers] of a property line of a pre-existing public or private school. If a pre-existing abortion  
12 facility attempts to expand or otherwise rebuild, the governing body shall deny the request for a  
13 permit as a nonconforming use of the property.