

Fifty-sixth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1377

Introduced by

Representatives Froseth, Sveen

Senator Redlin

1 A BILL for an Act to create and enact three new sections to chapter 11-28.2 of the North Dakota  
2 Century Code, relating to annexation of territory by a recreation service district; and to amend  
3 and reenact section 11-28.2-01 of the North Dakota Century Code, relating to annexation of  
4 territory by a recreation service district.

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

6 **SECTION 1. AMENDMENT.** Section 11-28.2-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **11-28.2-01. Establishment of recreation service districts - Petition - Purpose.** The  
9 board of county commissioners of any county in this state, at any meeting of such board, by  
10 majority vote of all of the members may, upon the petition of ten percent of the persons who  
11 qualify pursuant to section 11-28.2-03 as voters of an area to be included within a proposed  
12 recreation service district, call for an election of all of the qualified voters of such district to  
13 determine the question of the establishment of a recreation service district for the purpose of  
14 providing police protection, sewer and water, garbage removal services, and public road  
15 construction and maintenance, in addition to that provided by the local governing body or  
16 agency to summer homes, cottages, and other residences and establishments as may exist  
17 within such area, and provide for the improvement and control of the environmental quality of  
18 the recreation service district. Said recreation service district shall be limited in size and  
19 location to an area which is contiguous to or within one-quarter mile [402.34 meters] of the  
20 recreational waters of the area or to the areas of land which are dedicated to public use for  
21 recreational purposes. In addition, said district shall consist of not less than fifty privately  
22 owned seasonal homes or cottages and other residences and establishments. If a petition is  
23 presented to the board of county commissioners calling for such election, such petition shall be  
24 accompanied by such information as the board of county commissioners shall require, including

the boundaries of the proposed recreation district, the approximate number of qualified voters as defined in section 11-28.2-03, and a sufficient deposit of money to cover all costs of such election. Within sixty days after the calling of such an election, the board of county commissioners shall provide an election on the question of whether or not a recreation service district should be established and shall establish procedures for voting and other necessary matters not inconsistent with the provisions of this chapter. The county commissioners shall give at least thirty days' notice of the election by certified mail to all qualified voters as defined in section 11-28.2-03. If a majority of the qualified voters approve of the establishment of a recreation service district, such district shall then be organized.

The board of commissioners of a recreation service district may extend the boundaries of the district to property within or contiguous to the one-quarter mile [402.34 meters] limit through the annexation procedures provided in sections 2 through 4 of this Act.

**SECTION 2.** A new section to chapter 11-28.2 of the North Dakota Century Code is created and enacted as follows:

**Annexation by petition of owners.** Upon a written petition signed by the owner of any property within one-quarter mile [402.34 meters] of the recreational waters of the area or to the areas of land dedicated to public use for recreational purposes or contiguous to that area and not embraced within the limits of the recreation service district the board of commissioners of the recreation service district may annex the territory to the district.

**SECTION 3.** A new section to chapter 11-28.2 of the North Dakota Century Code is created and enacted as follows:

**Petition of owners - Annexation or exclusion.** If the recreation service district annexes the area, it shall do so by resolution. When a copy of the resolution and an accurate map of the annexed area, certified by the chairman of the board of commissioners, are filed and recorded with the county register of deeds, the annexation becomes effective. An annexation is effective for the purpose of levying special assessments by the recreation service district on and after the first day of the next February. If the board of commissioners determines to exclude the area petitioned for, it may do so by ordinance adopted and recorded as in case of annexation.

**SECTION 4.** A new section to chapter 11-28.2 of the North Dakota Century Code is created and enacted as follows:

1           **Annexation by resolution of district.** The board of commissioners of a recreation  
2 service district may adopt a resolution to annex territory as follows:

- 3           1. The board shall adopt a resolution describing the property to be annexed.
- 4           2. The board shall publish the resolution and a notice of the time and place the board  
5 will meet to hear and determine the sufficiency of any written protests against the  
6 proposed annexation in the official newspaper of the county once each week for  
7 two consecutive weeks. The board shall mail a notice to the owner of each parcel  
8 of real property within the area to be annexed at the person's last known mailing  
9 address. The notice must inform landowners of the resolution, the time and place  
10 of hearing, and the requirement that protests must be filed in writing. The owners  
11 of any real property within the territory proposed to be annexed within thirty days of  
12 the first publication of the resolution may file written protests with the board  
13 protesting against the proposed annexation. No state-owned property may be  
14 annexed without the written consent of the state agency or department having  
15 control of the property. The board, at its next meeting after the expiration of the  
16 time for filing the protests, shall hear and determine the sufficiency of the protests.
- 17          3. In the absence of protests filed by the owners of more than one-fourth of the  
18 territory proposed to be annexed as of the date of the adoption of the resolution,  
19 the territory described in the resolution becomes a part of the district. When a copy  
20 of the resolution and an accurate map of the annexed area, certified by the  
21 chairman of the board, are filed and recorded with the county register of deeds, the  
22 annexation becomes effective. Annexation is effective for the purpose of special  
23 assessments levied by the recreation service district on and after the first day of  
24 the next February. If the owners of one-fourth or more of the territory proposed to  
25 be annexed protest, the board shall stop its pursuit of the annexation.