

Fifty-seventh  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1410

Introduced by

Representatives Renner, Boehm

Senator Tomac

1 A BILL for an Act to amend and reenact section 40-47-06 of the North Dakota Century Code,  
2 relating to appointments of zoning commissions.

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

4 **SECTION 1. AMENDMENT.** Section 40-47-06 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **40-47-06. Zoning commission - ~~Appointment~~ - Duties - Preliminary and final**  
7 **report.**

8 1. The governing body of a city desiring to avail itself of the powers conferred by this  
9 chapter shall appoint a commission, to be known as the zoning commission, to  
10 recommend the boundaries of the various original districts and appropriate  
11 regulations to be enforced therein. ~~In addition to the members appointed by the~~  
12 ~~city, the zoning commission shall include at least one person residing outside of~~  
13 ~~the corporate limits of a city having a population of less than five thousand, two~~  
14 ~~persons residing outside the corporate limits of a city having a population of five~~  
15 ~~thousand or more, but less than twenty five thousand, or three persons residing~~  
16 ~~outside the corporate limits of a city having a population of twenty five thousand or~~  
17 ~~more if zoning authority is exercised pursuant to section 40-47-01.1. Such persons~~  
18 ~~shall be appointed by the board or boards of county commissioners of the county~~  
19 ~~or counties within which such zoning authority is to be exercised and shall reside~~  
20 ~~within the territorial limits of the zoning regulation authority exercised by the city, if~~  
21 ~~such persons are available and will serve on the zoning commission. Of the~~  
22 ~~members of the commission appointed by a board or boards of county~~  
23 ~~commissioners pursuant to this section, the first member appointed shall hold~~  
24 ~~office for five years, the second member appointed shall hold office for three years,~~

1 ~~and the third member appointed shall hold office for one year. Thereafter, the~~  
2 ~~members shall be appointed for terms of five years. Such~~ A zoning commission  
3 shall make a preliminary report and hold public hearings ~~thereon~~ before submitting  
4 ~~its~~ a final report. The governing body ~~shall~~ may not hold its public hearings or take  
5 action until it has received the final report of the zoning commission. If a city has a  
6 planning commission, it may be appointed as the zoning commission.

- 7 2. If a city exercises extraterritorial zoning authority under section 40-47-01.1, the city  
8 shall enter an agreement to share zoning decisionmaking authority with the county  
9 or township that previously had exercised zoning authority in the area over which  
10 the city is exercising extraterritorial zoning authority. If the city zoning commission  
11 proposes consideration of a zoning matter concerning an area over which it has  
12 extraterritorial zoning authority, the commission shall notify the zoning commission  
13 of the county or township that previously had exercised zoning authority over that  
14 area. After providing notice, as provided in section 40-47-04, of a joint hearing, the  
15 zoning commissions shall hold a public hearing at which interested parties may  
16 have an opportunity to be heard. Before a zoning regulation may be implemented  
17 or amended which affects the area over which the city has extraterritorial zoning  
18 authority, each zoning commission and governing body involved must, by a  
19 majority vote of each entity, approve the regulation.