

**HOUSE BILL NO. 1186**

Introduced by

Representatives Mueller, DeKrey

Senator Mathern

1 A BILL for an Act to amend and reenact section 37-17.1-10 of the North Dakota Century Code,  
2 relating to violation of a local burning ban; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 37-17.1-10 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **37-17.1-10. Local disasters or emergencies - Penalty.**

- 7 1. Unless so declared in accordance with the provisions of subsection 4 of section  
8 37-17.1-05, a local disaster or emergency may be declared only by the principal  
9 executive officer of the county or city. It may not be continued or renewed for a  
10 period in excess of seven days except by or with the consent of the governing  
11 board of the county or city. Any order or proclamation declaring a local disaster or  
12 emergency must be given prompt and general publicity and must be filed promptly  
13 with the county or city auditor.
- 14 2. The effect of a declaration of a local disaster or emergency is to activate the  
15 response and recovery aspects of any and all applicable local disaster or  
16 emergency operational plans and to authorize the furnishing of aid and assistance  
17 thereunder.
- 18 3. An order or proclamation issued under this section which includes a ban on open  
19 burning may provide for a penalty for a violation of the ban through a citation, a  
20 criminal complaint, or an information through the district court in the county in  
21 which the offense occurred. An individual who willfully violates a burning ban  
22 established by a local order or proclamation under this section is guilty of an  
23 infraction.