

Sixtieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1508

Introduced by

Representatives Boehning, Weiler, Wrangham

1 A BILL for an Act to create and enact sections 40-22-14.1 and 40-22-18.1 of the North Dakota  
2 Century Code, relating to mailed notice and property owner approval of improvements by  
3 special assessment; and to amend and reenact section 40-22-15 of the North Dakota Century  
4 Code, relating to property owner approval before adoption of a resolution of necessity for an  
5 improvement by special assessments.

### 6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 **SECTION 1.** Section 40-22-14.1 of the North Dakota Century Code is created and  
8 enacted as follows:

9 **40-22-14.1. Notice by mail to property owners in special improvement district -**  
10 **Ballots.** After a special improvement district has been created and the engineer's plans,  
11 specifications, and estimates have been prepared for improvements by special assessments  
12 within that district, the governing body of the municipality shall provide notice by mail to the  
13 owner of each affected parcel of property within the special improvement district at the property  
14 owner's last-known mailing address. The notice must include the total cost of the project,  
15 description and purpose of the project, and proposed time of commencement and conclusion of  
16 the project. Unless the governing body of the municipality has received a written petition for the  
17 improvement signed by the owners of a majority of the area of the property included within the  
18 district, each mailed notice under this section must include a single ballot for the property owner  
19 to complete and return indicating whether the property owner approves or disapproves  
20 proceeding with the proposed improvement. Only one ballot may be cast by the owners of  
21 each parcel of property within the improvement district, regardless how many owners exist.  
22 Ballots of property owners under this section must be returned, as directed in the instructions  
23 included with the ballot, by the time designated by the governing body of the municipality, which  
24 may not be earlier than fifteen days after completion of mailing of notice under this section. If

1 the majority of returned ballots disapprove proceeding with the proposed improvement, the  
2 governing body of the municipality may not adopt a resolution declaring it necessary to make  
3 the proposed improvement under section 40-22-15.

4 **SECTION 2. AMENDMENT.** Section 40-22-15 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **40-22-15. Resolution declaring improvements necessary - Exception for sewer**  
7 **and water improvements - Contents of resolution - Publication of resolution.** After the  
8 engineer's report required by section 40-22-10 has been filed and approved and a majority of  
9 ballots returned have approved proceeding with the proposed improvement, if balloting is  
10 required under section 40-22-14.1, the governing body of the municipality, by resolution, shall  
11 declare that it is necessary to make the improvements described therein. However, a resolution  
12 is not required if the improvement constitutes a water or sewer improvement as described in  
13 subsection 1 of section 40-22-01, nor if the governing body determines by resolution that a  
14 written petition for the improvement, signed by the owners of a majority of the area of the  
15 property included within the district, has been received. The resolution must refer intelligibly to  
16 the engineer's report and include a map of the municipality showing the proposed improvement  
17 districts. The resolution must then be published once each week for two consecutive weeks in  
18 the official newspaper of the municipality.

19 **SECTION 3.** Section 40-22-18.1 of the North Dakota Century Code is created and  
20 enacted as follows:

21 **40-22-18.1. Voter approval of certain improvements in larger cities - Not**  
22 **superseded by home rule.** If, within a city of five thousand or more population, an  
23 improvement district contains fifty percent or more of the area of property within the city, a call  
24 for bids for making the improvements associated with creation of the district may not be issued  
25 unless making the improvements has been previously approved by sixty percent or more of the  
26 electors of the city voting on the question at a regular or special city election. This section may  
27 not be superseded by a city home rule charter or ordinance.