

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1522

Introduced by

Representative Wrangham

1 A BILL for an Act to amend and reenact subsection 8 of section 4-22-26, subsection 2 of
2 section 11-31-03, section 11-33-03, subsection 2 of section 11-33.2-04, sections 40-47-03 and
3 58-03-12, subsection 3 of section 61-16.1-10, and section 61-26-01 of the North Dakota
4 Century Code, relating to comprehensive plans.

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

6 **SECTION 1. AMENDMENT.** Subsection 8 of section 4-22-26 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 8. To develop ~~comprehensive~~ appropriate plans for the conservation of soil resources
9 and for the control and prevention of soil erosion within the district, ~~which plans~~
10 must specify in ~~such~~ as much detail as may be possible the acts, procedures,
11 performances, and avoidances ~~which~~ that are necessary or desirable for the
12 effectuation of ~~such~~ the plans, including the specification of engineering
13 operations, methods of cultivation, the growing of vegetation, cropping programs,
14 tillage practices, and changes in use of land, and to publish ~~such~~ the plans and
15 information and bring ~~them~~ the plans to the attention of occupiers of lands within
16 the district.

17 **SECTION 2. AMENDMENT.** Subsection 2 of section 11-31-03 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 2. Set up ~~a comprehensive~~ an appropriate plan of county highways, showing by the
20 use of maps, existing roads, operations in progress, and future plans.

21 **SECTION 3. AMENDMENT.** Section 11-33-03 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **11-33-03. Object of regulations.** ~~These Zoning regulations shall~~ must be made in
24 ~~accordance with a comprehensive plan and designed for any or all of the following purposes:~~

- ~~1. To protect and guide the development of nonurban areas.~~
- ~~2. To provide for emergency management. "Emergency management" means a comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or our environment.~~
- ~~3. To regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.~~
- ~~4. To lessen governmental expenditures.~~
- ~~5. To conserve and develop natural resources.~~

~~These regulations shall be made with a reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses. The comprehensive plan shall be a statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control to promote the health, safety, and welfare of the citizens of the county.~~

SECTION 4. AMENDMENT. Subsection 2 of section 11-33.2-04 of the North Dakota Century Code is amended and reenacted as follows:

2. Provisions for ensuring that:
 - ~~a. The location, layout, or arrangement of a proposed subdivision shall conform to the comprehensive plan of the county.~~
 - b. Streets in and bordering a subdivision ~~shall~~ must be coordinated, and be of ~~such~~ a certain width and grade and in ~~such~~ locations as ~~deemed~~ determined necessary to accommodate prospective traffic, and facilitate fire protection.
 - ~~e. b.~~ Adequate easements or rights of way ~~shall be~~ are provided for drainage and utilities.

d. c. Reservations if any by the developer of any area designed for use as public grounds ~~shall be~~ are of suitable size and location for the designated use.

e- d. Land ~~which that~~ is subject to extraordinary hazards, including flooding and subsidence, either ~~shall be~~ is made safe for the purpose for which ~~such the~~ land is proposed to be used, or ~~shall be~~ is set aside for uses ~~which shall that~~ do not endanger life or property or further aggravate or increase the existing hazard.

SECTION 5. AMENDMENT. Section 40-47-03 of the North Dakota Century Code is amended and reenacted as follows:

40-47-03. Regulation for zoning made for what purposes. The regulations provided for in this chapter ~~shall~~ must be made in accordance with a comprehensive plan and shall be designed to:

1. ~~Lessen congestion in the streets;~~
2. ~~Provide for emergency management. "Emergency management" means a comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or our environment;~~
3. ~~Promote health and the general welfare;~~
4. ~~Provide adequate light and air;~~
5. ~~Prevent the overcrowding of land;~~
6. ~~Avoid undue concentration of population; and~~
7. ~~Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.~~

~~The regulations shall be made with reasonable consideration as to the character of each district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. The comprehensive plan shall be a statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control to~~
promote the health, safety, and welfare of the citizens in the city.

1 **SECTION 6. AMENDMENT.** Section 58-03-12 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **58-03-12. Basis for township zoning regulations and restrictions.** The regulations
4 and restrictions established in any township zoning district must be made ~~in accordance with a~~
5 ~~comprehensive plan~~ with reasonable consideration as to the character of ~~such the~~ district, its
6 peculiar suitability for particular uses, the normal growth of the municipality, and the various
7 types of occupations, industries, and land uses within the area, and must be designed to
8 facilitate traffic movement, encourage orderly growth and development of the municipality and
9 adjacent areas, promote health, safety, and general welfare, and provide for emergency
10 management. "Emergency management" means a comprehensive integrated system at all
11 levels of government and in the private sector which provides for the development and
12 maintenance of an effective capability to mitigate, prepare for, respond to, and recover from
13 known and unforeseen hazards or situations, caused by an act of nature or man, which may
14 threaten, injure, damage, or destroy lives, property, or our environment. ~~The comprehensive~~
15 ~~plan must be a statement in documented text setting forth explicit goals, objectives, policies,~~
16 ~~and standards of the jurisdiction to guide public and private development within its control.~~

17 **SECTION 7. AMENDMENT.** Subsection 3 of section 61-16.1-10 of the North Dakota
18 Century Code is amended and reenacted as follows:

- 19 3. Exercise jointly with other water resource districts within a river basin to effectively
20 resolve the significant and common water resource management problem or
21 problems of the river basin or region and to jointly develop a ~~comprehensive~~
22 regional plan for the river basin or region.

23 **SECTION 8. AMENDMENT.** Section 61-26-01 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **61-26-01. Application for joint drain.** The governing body of any city or the board of
26 commissioners of any water resource district desiring to use an existing drain under the
27 jurisdiction of the county board of drainage commissioners, with or without modification, as a
28 watercourse or channel to provide a water supply for the city or water resource district, may
29 make application ~~therefor~~ for use of the drain to the board of drain commissioners of the county
30 in which ~~such the~~ drain is located. ~~In such The application there shall be set forth must contain~~
31 a ~~comprehensive~~ plan of joint use and of any proposed extensions, changes, connecting

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- 1 canals, mains, or other contrivances for conducting the flow of water in, to or from ~~said~~ the
- 2 drain and an offer of payment by the city or water resource district in a definite sum as a
- 3 proportionate share of the cost of the existing drain, and a sum certain or a percentage offer for
- 4 future maintenance costs.