

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senator O'Connell

Representative Hunsakor

1 A BILL for an Act to create and enact a new section to chapter 37-17.1 of the North Dakota  
2 Century Code, relating to a ban on open burning; to amend and reenact section 37-17.1-10 of  
3 the North Dakota Century Code, relating to a ban on open burning; and to provide a penalty.

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

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

7 **37-17.1-10. Local disasters or emergencies - Penalty.**

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

1           **SECTION 2.** A new section to chapter 37-17.1 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Burn ban - Penalty.** An order or proclamation under section 37-17.1-10 which includes  
4 a ban on open burning may provide for a penalty for a violation of the ban through a citation, a  
5 criminal complaint, or an information through the district court in the county in which the offense  
6 occurred. An individual who willfully violates a burning ban established by a local order or  
7 proclamation under this section is guilty of a class B misdemeanor.