

Sixty-first  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

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, and 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 detail as may be possible the acts, procedures, performances,  
11 and avoidances which are necessary or desirable for the effectuation of such  
12 plans, including the specification of engineering operations, methods of cultivation,  
13 the growing of vegetation, cropping programs, tillage practices, and changes in use  
14 of land, and to publish such plans and information and bring them to the attention  
15 of occupiers of lands within the district.

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

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

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

22 **11-33-03. Object of regulations.** ~~These Zoning regulations shall~~ must be made in  
23 ~~accordance with a comprehensive plan and designed for any or all of the following purposes:~~

24 ~~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 be coordinated, and be of such width and grade and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
  - e. b. Adequate easements or rights of way shall be provided for drainage and utilities.

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

e. d. Land which is subject to extraordinary hazards, including flooding and subsidence, either shall be made safe for the purpose for which such land is proposed to be used, or shall be set aside for uses which shall 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.~~

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

**58-03-12. Basis for township zoning regulations and restrictions.** The regulations and restrictions established in any township zoning district must be made ~~in accordance with a comprehensive plan~~ with reasonable consideration as to the character of such district, its peculiar suitability for particular uses, the normal growth of the municipality, and the various types of occupations, industries, and land uses within the area, and must be designed to facilitate traffic movement, encourage orderly growth and development of the municipality and adjacent areas, promote health, safety, and general welfare, and 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. ~~The comprehensive plan must 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.~~

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

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

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

**61-26-01. Application for joint drain.** The governing body of any city or the board of commissioners of any water resource district desiring to use an existing drain under the jurisdiction of the county board of drainage commissioners, with or without modification, as a watercourse or channel to provide a water supply for the city or water resource district, may make application therefor to the board of drain commissioners of the county in which such drain

1 is located. In such application there shall be set forth a comprehensive plan of joint use and of  
2 any proposed extensions, changes, connecting canals, mains, or other contrivances for  
3 conducting the flow of water in, to or from said drain and an offer of payment by the city or  
4 water resource district in a definite sum as a proportionate share of the cost of the existing  
5 drain, and a sum certain or a percentage offer for future maintenance costs.