

**HOUSE BILL NO. 1397**

Introduced by

Representatives Brusegaard, DeKrey, D. Johnson

Senators Kinnoin, Klein, Solberg

1 A BILL for an Act to amend and reenact section 11-33-01 of the North Dakota Century Code,  
2 relating to the power of a county to regulate zoning.

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

4 **SECTION 1. AMENDMENT.** Section 11-33-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **11-33-01. County power to regulate property.**

- 7 1. For the purpose of promoting health, safety, morals, public convenience, general  
8 prosperity, and public welfare, the board of county commissioners of any county  
9 may regulate and restrict within the county, subject to section 11-33-20 and  
10 chapter 54-21.3, the location and the use of buildings and structures and the use,  
11 condition of use, or occupancy of lands for residence, recreation, and other  
12 purposes.
- 13 2. A zoning regulation or restriction may not include any directive regarding farming  
14 practices.
- 15 3. The board of county commissioners shall establish zoning requirements for solid  
16 waste disposal and incineration facilities before July 1, 1994. The board of county  
17 commissioners may impose tipping or other fees on solid waste management and  
18 incineration facilities. The board of county commissioners may not impose any fee  
19 under this section on an energy conversion facility or coal mining operation that  
20 disposes of its waste onsite.