

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2317

Introduced by

Senators Magrum, Walen, Castaneda

Representative S. Olson

1 A BILL for an Act to amend and reenact section 54-40.5-04 of the North Dakota Century Code,
2 relating to the revocation of a transfer of township zoning authority.

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

4 **SECTION 1. AMENDMENT.** Section 54-40.5-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-40.5-04. Revocation of transfer.**

7 1. An agreement may be amended by further agreement of the parties in the same
8 manner as the original agreement was made. An agreement may be terminated as
9 provided in the agreement or, if no provision is made for the termination, by joint action
10 of all parties, or by an individual party not less than one year after its notice in writing
11 to all other parties. If a political subdivision that is a party to the agreement is
12 dissolved, the agreement may be terminated as provided in this section by the
13 governing body of the political subdivision upon its reincorporation or reestablishment,
14 by a petition submitted to the county and signed by a majority of the electors residing
15 within the previous territorial jurisdiction of the dissolved political subdivision, or in
16 some other manner specified in the agreement.

17 2. A ~~township or city~~ that unilaterally transferred its zoning authority to the county may
18 reacquire ~~that~~ zoning authority by mutual agreement between the board of county
19 commissioners and the ~~board of township supervisors or city governing body.~~

20 3. A township that unilaterally transferred its zoning authority to the county may reacquire
21 zoning authority if the township:

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Legislative Assembly

- 1 a. Board of township supervisors passes a written resolution supporting a return to
- 2 township zoning;
- 3 b. At the next annual meeting or at a special meeting, holds an election and the
- 4 majority of qualified electors vote in favor of a return to township zoning;
- 5 c. Adopts a comprehensive plan for the township;
- 6 d. Adopts a zoning ordinance; and
- 7 e. Appoints a zoning administrator.
- 8 4. If a township complies with the requirements under subsection 3, the county shall
- 9 accept the township's reacquisition of zoning authority.