

CHAPTER 11-28.1 COUNTY SPECIAL SERVICE DISTRICTS

11-28.1-01. Board of county park commissioners may establish service districts.

For the purpose of providing police protection and garbage removal services and defraying the cost thereof, any board of county park commissioners may create police protection and garbage removal service districts, and may extend any such district when necessary. The appropriate police protection or garbage removal district shall be created by resolution. The district shall be designated by a name appropriate to the type of service provided for which it is created, and by a number distinguishing it from other service districts. A police protection or garbage removal district may be composed in part or entirely of or include real property which is not otherwise under the jurisdiction of the board of county park commissioners, but which is contiguous to real property under the jurisdiction of the park commissioners and directly benefited by the proposed police protection and garbage removal. The county park commissioners may provide garbage collection services in such district as designated in the resolution, and may designate police officers who shall have police powers for the enforcement of the laws of this state within such district, such police authority to be executed concurrently with other law enforcement officers having jurisdiction over such area.

11-28.1-02. Plans and specifications required - Approval.

Following the creation of a service district as provided in section 11-28.1-01, the board of county park commissioners shall prepare plans and specifications for such project, including an estimate of the probable cost. The plans, specifications, and estimates provided for shall be approved by a resolution of the board of county park commissioners. The plans, specifications, and estimates shall be the property of the county and shall be filed in the office of the county auditor and shall remain on file in the auditor's office subject to inspection by interested persons.

11-28.1-03. Hearing - Notice.

The board of county park commissioners shall cause the resolution adopting the plans, specifications, and estimates for the police protection or garbage removal district to be published once each week for two consecutive weeks in the official county newspaper, together with a notice of the time and place where the board of county park commissioners will meet to hear objections made by any interested party or an interested party's agent or attorney. The date set for such hearing shall be not less than fifteen days after the first publication of the notice.

11-28.1-04. Protest against establishing service district - Hearing to determine sufficiency - When protest a bar to proceeding.

If, within thirty days after the hearing provided for in section 11-28.1-03, written protests signed by the owners of more than half of the area of the property included within the service district are filed in the offices of the county auditor, the protests shall be a bar against proceeding further with the project described in the specifications. The board of county park commissioners, at its next meeting after the expiration of the time for filing such protests, shall consider and determine the sufficiency of any protests filed. If no protests are filed or the protests are found to be insufficient or invalid, the board of county park commissioners may initiate and carry on the project.

11-28.1-05. Assessment of expenses.

The expenses of maintaining the service provided by the service district shall be assessed against the parcels of land properly chargeable therewith, in amounts to be determined by and in accordance with the provisions of section 40-23-05. For the purpose of assessing the expenses of a service district, the board of county park commissioners shall serve as the special assessment commission.

11-28.1-06. Assessment list to be prepared - Contents - Certificate attached to assessment list.

The board of county park commissioners, serving as the special assessment commission, shall make or cause to be made a complete list of the annual benefits and assessments setting forth each lot or tract of land assessed, the amount each lot or tract is annually benefited by the service, and the amount annually assessed against each. There shall be attached to the list of assessments a certificate signed by a majority of the members of the special assessment commission certifying that the same is a true and correct assessment of the property therein described to the best of their judgment, and stating the several items of expense included in the assessment.

11-28.1-07. Publication of assessment list and notice of hearing of objections to list.

The special assessment commission shall cause the assessment list, which list shall not include the amount each lot or tract is benefited by the improvement, to be published once each week for two consecutive weeks in the official newspaper of the county, together with a notice of the time when and the place where the commission will meet to hear objections made to any assessment by any interested party or an interested party's agent or attorney. In lieu of publication of an assessment list, if it includes more than five thousand lots or tracts, the commission may cause it to be filed and made available for public inspection at all times after the first publication of the notice, during reasonable business hours, at such place as shall be designated in the published notice. The date set for such hearing shall be not less than fifteen days after the first publication of the notice.

11-28.1-08. Alteration of assessments at hearing - Limitations.

At the hearing, the special assessment commission may make such alterations in the assessments as in its opinion may be just or necessary to correct any error in the assessment list. The commission may increase or diminish any assessment as may be just and necessary to make the aggregate of all assessments equal to the total amount required to pay the entire cost of the service for which such assessments are made. No assessment shall exceed the benefits as determined by the commission to the parcel of land assessed.

11-28.1-09. Confirmation of assessment list after hearing - Filing list.

The special assessment commission, after the hearing, shall confirm the list and attach thereto its further certificate certifying that the list is correct as confirmed by it. The commission thereafter shall file the assessment list in the office of the county auditor.

11-28.1-10. Publication of notice of confirmation of assessment list and meeting for action upon assessments.

The county auditor shall publish at least once in the official newspaper of the county a notice stating that the assessment list has been confirmed by the special assessment commission and filed in the auditor's office and is open to public inspection. The notice also shall state the time when and the place where the board of county commissioners will act upon such assessment list. The assessment list shall be acted upon by the board of county commissioners at a regular or special meeting occurring more than fifteen days after the publication of such notice.

11-28.1-11. Aggrieved person may file notice of appeal.

Prior to the meeting at which the board of county commissioners will act upon the assessment, any aggrieved person may appeal from the action of the special assessment commission by filing with the county auditor a written notice of the appeal, stating therein the grounds upon which the appeal is based.

11-28.1-12. Board of county commissioners to hear and determine appeals and objections to assessments - Altering assessments - Limitations.

At the regular meeting of the board of county commissioners at which the assessment list is to be acted upon, any person aggrieved by the determination of the special assessment commission in regard to any assessment who has appealed therefrom as provided in section 11-28.1-11 may appear before the board of county commissioners and present the person's reasons why the action of the commission should not be confirmed. The board of county commissioners shall hear and determine the appeals and objections and may increase or diminish any of such assessments as it may deem just, except that the aggregate amount of all the assessments returned by the special assessment commission shall not be changed and no assessments as adjusted shall exceed the benefits to the parcel of land on which it is assessed as determined by the special assessment commission.

11-28.1-13. Confirmation of assessment list by board of county commissioners - Certifying list - Filing.

The board of county commissioners shall confirm the assessment list, and the county auditor shall attach to the list the auditor's certificate that the same is correct as confirmed by the board of county commissioners and thereupon shall file the list in the auditor's office.

11-28.1-14. Use of collections of assessments.

All collections of special assessments levied pursuant to this chapter shall be credited as received to the special fund maintained by the county for the payment of any obligations for which the assessments were levied.

11-28.1-15. Board of county park commissioners may contract - Contents.

Any board of county park commissioners may contract with one or more political subdivisions for the participation in or the performance of police protection and garbage removal services in accordance with section 54-40-08. Any such contract shall set forth fully the purpose, powers, rights, obligations, and the responsibilities, financial and otherwise, of the contracting parties.

11-28.1-16. Service assessment funds and the disbursements thereof.

The provisions of chapter 40-24 shall be followed in the collection and disbursement of the funds to be collected to cover the cost of operating a service district; provided, however, that nothing in chapter 40-24 shall limit the length of time for which assessments for police protection and garbage removal services may be levied. Such assessments may be levied so long as the service is rendered.