

FIRST ENGROSSMENT
with House AmendmentsFifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2355

Introduced by

Senators Solberg, Christmann, Kinnoin

Representatives Brusegaard, Kempenich, Solberg

1 A BILL for an Act to amend and reenact sections 11-33-02 and 58-03-11 of the North Dakota
2 Century Code, relating to zoning regarding farming and ranching.

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

4 **SECTION 1. AMENDMENT.** Section 11-33-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-33-02. Board of county commissioners to designate districts.**

- 7 1. For any or all of the purposes designated in section 11-33-01, the board of county
8 commissioners may divide by resolution ~~divide~~ all or any parts of the county,
9 subject to the provisions of section 11-33-20, into districts of such number, shape,
10 and area as may be ~~deemed~~ determined necessary, and ~~may~~ likewise may enact
11 suitable regulations to carry out the purposes of this chapter. These regulations
12 ~~shall~~ must be uniform in each district, but the regulations in one district may differ
13 from those in other districts. ~~No A regulation or restriction, however, shall may not~~
14 prohibit or prevent the use of land or buildings for farming or ranching or any of the
15 normal incidents of farming. ~~The provisions of this or ranching.~~ For purposes of
16 this section, "farming or ranching" means cultivating land for production of
17 agricultural crops or livestock, or raising, feeding, or producing livestock, poultry,
18 milk, or fruit. The term does not include producing timber or forest products, nor
19 does the term include a contract whereby a processor or distributor of farm
20 products or supplies provides grain, harvesting, or other farm services.
- 21 2. A board of county commissioners may regulate the nature and scope of livestock
22 feeding operations permissible in the county, provided:
- 23 a. If a regulation would impose a substantial economic burden on an agricultural
24 operation in existence before the effective date of the regulation, the board of

1 county commissioners shall declare that the regulation is ineffective with
2 respect to any agricultural operation in existence before the effective date of
3 the regulation.

4 b. A regulation may not prohibit the reasonable diversification or expansion of an
5 agricultural operation.

6 c. A regulation may not preclude the development of a concentrated or confined
7 animal feeding operation in the county. A regulation addressing the
8 development of a concentrated or confined animal feeding operation in the
9 county may set reasonable standards, based on the size of the operation, to
10 govern its location.

11 3. This chapter ~~shall~~ does not be construed to include any power relating to the
12 establishment, repair, and maintenance of highways or roads.

13 **SECTION 2. AMENDMENT.** Section 58-03-11 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **58-03-11. Establishment of zoning districts - Limitation - Scope of zoning**
16 **regulations and restrictions.**

17 1. For the purpose of promoting the health, safety, morals, or the general welfare, or
18 to secure the orderly development of approaches to municipalities, the board of
19 township supervisors may establish one or more zoning districts and within such
20 districts may, subject to the provisions of chapter 54-21.3, regulate and restrict the
21 erection, construction, reconstruction, alteration, repair, or use of buildings and
22 structures, the height, number of stories, and size of buildings and structures, the
23 percentage of lot that may be occupied, the size of courts, yards, and other open
24 spaces, the density of population, and the location and use of buildings, structures,
25 and land for trade, industry, residence, or other purposes. All such regulations and
26 restrictions must be uniform throughout each district, but the regulations and
27 restrictions in one district may differ from those in other districts.

28 2. ~~No~~ A regulation or restriction, ~~however,~~ may not prohibit or prevent the use of land
29 or buildings for farming or ranching or any of the normal incidents of farming. ~~The~~
30 ~~provisions of sections~~ or ranching. For purposes of this section, "farming or
31 ranching" means cultivating land for production of agricultural crops or livestock, or

1 raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not
2 include producing timber or forest products, nor does the term include a contract
3 whereby a processor or distributor of farm products or supplies provides grain,
4 harvesting, or other farm services.

5 3. A board of township supervisors may regulate the nature and scope of livestock
6 feeding agricultural operations permissible in the township, provided:

7 a. If a regulation would impose a substantial economic burden on an agricultural
8 operation in existence before the effective date of the regulation, the board of
9 township supervisors shall declare that the regulation is ineffective with
10 respect to any agricultural operation in existence before the effective date of
11 the regulation.

12 b. A regulation may not prohibit the reasonable diversification or expansion of an
13 agricultural operation.

14 c. A regulation may not preclude the development of a concentrated or confined
15 animal feeding operation in the county. A regulation addressing the
16 development of a concentrated or confined animal feeding operation in the
17 county may set standards, based on the size of the operation, to govern its
18 location.

19 4. Sections 58-03-11 through 58-03-15 may do not be construed to include any
20 power relating to the establishment, repair, and maintenance of highways or roads.