

**SENATE BILL NO. 2191
with House Amendments**

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2191

Introduced by

Senators Anderson, Cook

Representatives Frantsvog, Kaldor

- 1 A BILL for an Act to amend and reenact subsection 23 of section 40-05-02 of the North Dakota
2 Century Code, relating to a city lien on unfit property.

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

4 **SECTION 1. AMENDMENT.** Subsection 23 of section 40-05-02 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 23. Substandard buildings or structures. The governing body of any city shall have the
7 authority to provide by ordinance for the demolition, repair, or removal of any
8 building or structure located within the limits of such city or other territory under its
9 jurisdiction, which creates a fire hazard, is dangerous to the safety of the
10 occupants or persons frequenting such premises, or is permitted by the owner to
11 remain in a dilapidated condition. Any such ordinance must provide for written
12 notice to the owner of a hearing by the governing body before final action is taken
13 by such body. It must also provide a reasonable time within which an appeal may
14 be taken by the owner from any final order entered by such governing body to a
15 court of competent jurisdiction. The amount of the cost of any demolition, repair,
16 or removal of a building or structure constitutes a lien against the real property
17 from which the cost was incurred and the lien may be foreclosed in judicial
18 proceedings in the manner provided by law for loans secured by liens on real
19 property. If this amount is not adequate to cover the cost of demolition, repair, or
20 removal, the city has a lien for the amount of the additional costs on all real
21 property owned, or later acquired, by the owner in the city. If the city provides the
22 amount of the lien and the name of the owner, the county auditor shall enter on the
23 tax list the amount of the additional cost as a tax lien. The tax lien is enforceable
24 by the city in the same manner as a tax lien by a county. This subsection in no

- 1 way limits or restricts any authority which is now or may hereafter be vested in the
- 2 state fire marshal for the regulation or control of such buildings or structures.