

Testimony in Opposition to House Bill 1248
February 11, 2021
House Political Subdivisions Committee
Bill Wocken on behalf of the North Dakota League of Cities

Good Afternoon Mr. Chairman and members of the House Political Subdivisions Committee. For the record, my name is Bill Wocken and I am testifying in opposition to House Bill 1248 on behalf of the North Dakota League of Cities.

The League of Cities is concerned with the effects of Section 2 of the bill so I will limit my testimony to those provisions of House Bill 1248. This section prohibits political subdivisions from enacting zoning that affects the purchase, registration transfer of firearms, dangerous weapons or ammunition. It is the pre-emption of local government zoning that is the cause for our concern with this bill.

The purpose of zoning is to provide for harmonious and complimentary land usage. It attempts to accomplish this by allowing land uses that will not conflict with each other to locate in given geographic areas. For example, single family residential uses are the most restrictive use in a city. Activities that generate excessive noise, smoke or dust, large amounts of traffic, flashing signs and truck traffic are typically banned from residential areas. Some of the higher traffic uses may be allowed in multiple family zones since the number of units in these zones already produces larger traffic volumes.

The prohibition against the use of zoning to restrict activity associated with firearms or dangerous weapons would allow a gun shop and perhaps gun repair and maybe even a firearms range in a single family neighborhood. That is likely not the intention of the sponsor but once in statute the language can be interpreted by all and unanticipated consequences often arise.

Mr. Chairman and committee members, for these reasons the North Dakota League of Cities asks for a Do Not Pass recommendation on House Bill 1248.