

TOWNSHIPS

CHAPTER 340

H. B. No. 642
(Gray)

TOWNSHIP ZONING DISTRICTS

AN ACT

To empower townships to establish zoning districts and to impose regulations and restrictions within such districts.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) For the purpose of promoting the health, safety, morals or the general welfare, or to secure the orderly development of approaches to municipalities, the board of township supervisors may establish one or more zoning districts in the area or areas lying within three miles of the corporate limits of any municipality and within such districts may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes. All such regulations and restrictions shall be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts. No regulation or restriction, however, shall prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming. The provisions of this Act shall not be construed to include any power relating to the establishment, repair and maintenance of highways or roads.

§ 2.) The regulations and restrictions established in any township zoning district shall be made in accordance with a comprehensive plan with reasonable consideration as to the character of such district, its peculiar suitability for particular uses, the normal growth of the municipality, and the various types of occupations, industries, and land uses within the area, and shall be designed to facilitate traffic movement, encourage orderly growth and development of the municipality and adjacent areas, and promote health, safety, and general welfare.

§ 3.) The board of township supervisors of a township desiring to avail itself of the powers conferred by this Act shall establish, by resolution, a township zoning commission to recommend the boundaries of the various township zoning districts and appropriate regulations and restrictions to be established therein. Membership of such commission shall consist of three township supervisors and two members appointed from the municipality in relation to which such zoning is contemplated. Where the area to be regulated and restricted is situated in two or more townships, a joint zoning commission may be established. Membership of a joint zoning commission shall consist of two township supervisors from each township and two members from the municipality in relation to which such zoning is contemplated. Each such commission shall make a preliminary report and hold public hearings thereon before submitting its final report and recommendations to the board or boards of township supervisors. The board or boards of township supervisors may thereupon establish, and from time to time change, the boundaries of township zoning districts and establish, amend, supplement, and enforce regulations and restrictions in such districts. No regulation, restriction, or boundary shall become effective until after a public hearing thereon at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in the official newspaper of the county and also in the official newspaper of the municipality in relation to which such zoning action is taken, if in such municipality an official newspaper other than the official newspaper of the county is published.

§ 4.) If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used, in violation of any regulation or restriction made under the authority conferred by this Act, the proper local authorities of the township or of the municipality in relation to which such zoning regulation or restriction is established, or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
2. To restrain, correct, or abate such violations;
3. To prevent the occupancy of the building, structure, or land; or
4. To prevent any illegal act, conduct, business, or use in or about such premises.

§ 5.) Appeals from any rule, regulation, restriction, or decision of the board of township supervisors made pursuant to this Act, may be made to the district court of the county in which such township lies. Upon a showing that any rule, regulation, restriction, or decision of the board of township supervisors is unreasonable under the circumstances or contrary to the intent of this Act, any such regulation, restriction or decision may be set aside or reversed.

Approved March 5, 1953.

CHAPTER 341

H. B. No. 652
(Leet)

TOWNSHIP MEETINGS

AN ACT

To amend and reenact sections 58-0405, 58-0419, 58-0603, and 58-0608 of the North Dakota Revised Code of 1943, relating to township meetings.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 58-0405 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0405. ORGANIZATION OF ANNUAL OR SPECIAL MEETINGS.) The electors present at any time between one o'clock and two o'clock p. m. of the day of the annual or special meeting shall be called to order by the township clerk, or if he is not present, the voters may elect by acclamation one of their number to act as chairman for the purpose of calling the meeting to order and to act as clerk after the selection of a moderator. The voters shall elect by acclamation three of their number as judges, and such judges shall be sworn and shall act as the judges of the qualifications of township electors. The electors shall proceed to choose one of their number to preside as moderator of the meeting. The clerk of the township if present, or in his absence, the clerk of the meeting, shall keep full minutes of its proceedings in which he shall enter at length every order, direction, rule, and regulation made by the meeting.

§ 2. AMENDMENT.) Section 58-0419 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0419. SPECIAL MEETING WHEN OFFICERS NOT ELECTED AT ANNUAL MEETING.) If a township meeting is not held for the purpose of organizing and electing its officers at the time fixed by law for holding the annual township meeting, a special township meeting for that purpose shall be called by the township clerk. If notice of such meeting is not given by the clerk within ten days, any three electors of the township may call such meeting. Notices setting forth the time, place, and object of the meeting shall be posted in the three most public places in the township, at least five days prior to the meeting. The electors, when assembled by virtue of such notice, shall possess all the powers conferred upon electors at the regular annual township meeting.

§ 3. AMENDMENT.) Section 58-0603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0603. REGULAR MEETINGS OF BOARD OF TOWNSHIP SUPERVISORS; WHEN HELD.) The board of township supervisors shall hold regular meetings on the second Tuesday in March, on the fourth Tuesday in March, and on the second Monday in June of each year, except that in the discretion of the township supervisors the meetings provided for the second Tuesday and fourth Tuesday in March may be held on the same day as the annual township meeting as provided in section 58-0401.

§ 4. AMENDMENT.) Section 58-0608 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0608. APPROVE BONDS OF TOWNSHIP OFFICERS.) At its first meeting after the election of township officers the chairman of the board of township supervisors shall approve the bonds of township officers and the officers immediately shall enter upon the discharge of their duties.

Approved March 5, 1953.