

Fifty-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 districts and regulations affecting normal incidents of farming
3 and ranching.

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

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

7 **11-33-02. Board of county commissioners to designate districts.** For any or all of
8 the purposes designated in section 11-33-01, the board of county commissioners may divide by
9 resolution ~~divide~~ all or any parts of the county, subject to the provisions of section 11-33-20,
10 into districts of such number, shape, and area as may be ~~deemed~~ determined necessary, and
11 ~~may~~ likewise may enact suitable regulations to carry out the purposes of this chapter. These
12 regulations ~~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 prohibit or
14 prevent the use of land or buildings for farming or ranching or any of the normal incidents of
15 farming or ranching. For purposes of this section, "farming or ranching" means cultivating land
16 for production of agricultural crops or livestock, or raising, feeding, or producing livestock or
17 livestock products, poultry or poultry products, milk or dairy products, or fruit or horticultural
18 products. The term does not include producing timber or forest products, nor does the term
19 include a contract whereby a processor or distributor of farm products or supplies provides
20 grain, harvesting, or other farm services. The provisions of this This chapter ~~shall~~ does not be
21 ~~construed to~~ include any power relating to the establishment, repair, and maintenance of
22 highways or roads.

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

1 **58-03-11. Establishment of zoning districts - Limitation - Scope of zoning**
2 **regulations and restrictions.** For the purpose of promoting the health, safety, morals, or the
3 general welfare, or to secure the orderly development of approaches to municipalities, the
4 board of township supervisors may establish one or more zoning districts and within such
5 districts may, subject to the provisions of chapter 54-21.3, regulate and restrict the erection,
6 construction, reconstruction, alteration, repair, or use of buildings and structures, the height,
7 number of stories, and size of buildings and structures, the percentage of lot that may be
8 occupied, the size of courts, yards, and other open spaces, the density of population, and the
9 location and use of buildings, structures, and land for trade, industry, residence, or other
10 purposes. All such regulations and restrictions must be uniform throughout each district, but
11 the regulations and restrictions in one district may differ from those in other districts. ~~No A~~
12 ~~regulation or restriction, however,~~ may not prohibit or prevent the use of land or buildings for
13 farming or ranching or any of the normal incidents of farming or ranching. For purposes of this
14 section, "farming or ranching" means cultivating land for production of agricultural crops or
15 livestock, or raising, feeding, or producing livestock or livestock products, poultry or poultry
16 products, milk or dairy products, or fruit or horticultural products. The term does not include
17 producing timber or forest products, nor does the term include a contract whereby a processor
18 or distributor of farm products or supplies provides grain, harvesting, or other farm services.
19 ~~The provisions of sections Sections 58-03-11 through 58-03-15 may do not be construed to~~
20 include any power relating to the establishment, repair, and maintenance of highways or roads.