

Introduced by

Senators J. Roers, Burckhard, Larson

Representatives M. Johnson, Pyle

1 A BILL for an Act to amend and reenact subsection 1 of section 40-51.2-05 and section  
2 40-51.2-07 of the North Dakota Century Code, relating to notice requirements for annexation  
3 and exclusion.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 40-51.2-05 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 1. The governing body may not take final action on a petition presented by owners and  
8 qualified electors until the petitioners have given notice of presentation of the petition  
9 by one publication in the official newspaper of the city as provided by section 40-01-09  
10 and the governing body has mailed at least ~~seven~~fifteen days before the presentation,  
11 by certified mail, a notice of the time and place of consideration of the petition to the  
12 owner of each parcel of real property within the area described in the petition at the  
13 person's last-known mailing address. The notice is not required to be sent to any  
14 owner of real property who signed a petition pursuant to section 40-51.2-03 or  
15 40-51.2-04. At the same time, the governing body of the city also shall mail, by  
16 certified mail, the notice of the time and place of consideration of the petition to the  
17 governing body of each city, county, or township directly affected by the land area  
18 petitioned to be annexed.

19 **SECTION 2. AMENDMENT.** Section 40-51.2-07 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **40-51.2-07. Annexation by resolution of city.**

22 1. The governing body of any city may adopt a resolution to annex contiguous or  
23 adjacent territory as follows:

- 1           a. The governing body of the city shall adopt a resolution describing the property to  
2           be annexed. Within seven days of the adoption of a resolution under this  
3           subdivision, the governing body shall mail, by certified mail, a copy of the  
4           resolution to the owner of each parcel of real property within the area to be  
5           annexed at the person's last-known mailing address.
- 6           b. The governing body of the city shall publish the resolution and a notice of the  
7           time and place the governing body will meet to hear and determine the  
8           sufficiency of any written protests against the proposed annexation in the official  
9           newspaper once each week for two consecutive weeks. ~~The~~At least fifteen days  
10          before the meeting, the governing body of the city shall mail ~~at least seven days~~  
11          ~~before the meeting,~~ by certified mail, a notice to the owner of each parcel of real  
12          property within the area to be annexed at the person's last-known mailing  
13          address. The notice must inform landowners of the resolution, the time and place  
14          of hearing, and the requirement that protests must be filed in writing. The owners  
15          of any real property within the territory proposed to be annexed may file written  
16          protests with the city auditor protesting against the proposed annexation within  
17          thirty days of the first publication of the resolution ~~may file written protests with~~  
18          ~~the city auditor protesting against the proposed annexation.~~ The governing body  
19          of the city also shall mail at least seven days before the meeting, by certified  
20          mail, the notice of the time and place of the hearing to the governing body of  
21          each city, county, or township directly affected by the land area proposed to be  
22          annexed. No state-owned property may be annexed without the written consent  
23          of the state agency or department having control of the property. The governing  
24          body of the city, at its next meeting after the expiration of the time for filing the  
25          protests, shall hear and determine the sufficiency of the protests.
- 26          c. In the absence of protests filed by the owners of more than one-fourth of the  
27          territory proposed to be annexed as of the date of the adoption of the resolution,  
28          the territory described in the resolution becomes a part of the city. When a copy  
29          of the resolution and an accurate map of the annexed area, certified by the  
30          executive officer of the city, are filed and recorded with the county recorder, the  
31          annexation becomes effective. Annexation is effective for the purpose of general

- 1                   taxation on and after the first day of the next January. However, the city shall  
2                   continue to classify as agricultural lands for tax purposes all lands in the annexed  
3                   area which were classified as agricultural lands immediately before the  
4                   annexation proceedings until those lands are put to another use.
- 5           2.   If the owners of one-fourth or more of the territory proposed to be annexed protest, or  
6           if a city that has extraterritorial zoning or subdivision regulation authority over the area  
7           petitioned to be annexed protests, the city may either stop its pursuit of the annexation  
8           or submit the matter to a committee for mediation as provided in section 40-51.2-07.1.