

# COUNTIES

## CHAPTER 136

HOUSE BILL NO. 1550  
(Retzer, G. Larson)

### COUNTY MANAGER RESOLUTION VOTE REQUIREMENT

AN ACT to amend and reenact section 11-09-03 of the North Dakota Century Code, relating to the adoption of the county manager form of government.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-09-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-09-03. BOARD OF COUNTY COMMISSIONERS MAY SUBMIT PLAN. The question of the adoption of any county manager form of government may be submitted notwithstanding the provisions of chapter 11-05.1 by the board of county commissioners by a resolution adopted by the affirmative vote of not less than ~~two-thirds~~ sixty percent of the entire board. Such resolution shall clearly designate which form of government shall be submitted.

Approved March 11, 1981

## CHAPTER 137

SENATE BILL NO. 2377  
(Wright)

## STATUTORY SALARY MINIMUM

AN ACT to amend and reenact subsection 1 of section 11-10-10 and section 27-08-08 of the North Dakota Century Code, relating to the salaries of county officers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 11-10-10 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The salary of the county auditor, county treasurer, county superintendent of schools, register of deeds, county judge, state's attorney, clerk of district court, and sheriff shall be regulated by the population in the respective counties according to the last preceding official federal census from and after the date when the official report of such census shall have been published by the director of the census or such other official as may be charged with the duty of making such official publication. Notwithstanding any decreases in population, the salaries paid county officers as of July 1, 1981, reduced by any discretionary salary increase authorized by the county commissioners pursuant to this section, shall be at least the minimum amount payable for that office when filled on a full-time basis in the future.

\* SECTION 2. AMENDMENT. Section 27-08-08 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-08-08. SALARIES OF JUDGES OF COUNTY COURTS OF INCREASED JURISDICTION - AMOUNT AND PAYMENT. A county judge of a county court of this state having increased jurisdiction shall receive the following salary: twenty-one thousand dollars in counties having a population not exceeding ten thousand inhabitants; twenty-one thousand five hundred dollars in counties having a population

\* NOTE: Section 27-08-08 was also amended by section 1 of House Bill No. 1653, chapter 321, and chapter 27-08 was repealed by section 51 of House Bill No. 1060, chapter 319.

exceeding ten thousand inhabitants but not exceeding eighteen thousand inhabitants; twenty-two thousand eight hundred dollars in counties having a population exceeding eighteen thousand inhabitants but not exceeding forty thousand inhabitants; and twenty-seven thousand six hundred dollars in counties having a population exceeding forty thousand inhabitants. Such salary shall be payable by the county in equal monthly installments and shall be full remuneration for all official duties, including all fees collected for official acts as judge of the county court, except fees charged for performing marriage ceremonies. All fees collected for official acts as judge of the county court, except fees charged for performing marriage ceremonies, shall be deposited by the court into the county treasury of the county in which the court is located. On July 1, 1979, the salary of each judge of a county court of increased jurisdiction shall be increased six and one-half percent over the total base salary and discretionary increase actually being paid such judge as of June 30, 1979. On July 1, 1980, the salary of each judge of a county court of increased jurisdiction shall be increased six and one-half percent over the total base salary and discretionary increase actually being paid such judge as of June 30, 1980. Notwithstanding any decreases in population, the salary paid a county judge of a county court having increased jurisdiction as of July 1, 1981, reduced by any discretionary salary increase authorized by the county commissioners pursuant to section 11-10-10, shall be at least the minimum amount payable for that office when filled on a full-time basis in the future.

Approved March 31, 1981

## CHAPTER 138

HOUSE BILL NO. 1504  
(Melby)

## SALARIES OF COUNTY OFFICIALS

AN ACT to amend and reenact subsections 2, 4, and 5 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

\* SECTION 1. AMENDMENT. Subsections 2, 4, and 5 of section 11-10-10 of the 1979 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. The county treasurer, county superintendent of schools, register of deeds, county judge, county auditor, clerk of district court, and state's attorney each shall receive the following annual salary, payable monthly, for official services rendered:
  - a. Eleven Thirteen thousand ~~nine~~ one hundred dollars in counties having a population of less than eight thousand.
  - b. Twelve Thirteen thousand ~~two~~ five hundred ~~ninety~~ twenty dollars in counties having a population exceeding eight thousand plus additional compensation of one hundred dollars per year for each one thousand additional population or major fraction thereof over eight thousand. However, in counties where the population consists of more than twenty-five percent Indians who have not severed tribal relations, the county commissioners may adjust the salaries provided for herein within the limitations contained in this subdivision.
  - c. State's attorneys in counties having a population exceeding thirty-five thousand, or in other counties where the board of county commissioners has determined by resolution that the state's attorney shall be full time and shall not be an attorney or counsel for any

\* NOTE: Subsections 2 and 4 of section 11-10-10 were also amended by section 14 of House Bill No. 1061, chapter 320.

party except the state or county, shall receive a salary of ~~twenty~~ twenty-two thousand dollars to ~~twenty-seven~~ twenty-nine thousand nine seven hundred dollars, to be determined by resolution of the board of county commissioners.

4. In counties having a county court of increased jurisdiction, the salaries of the judges of county courts of increased jurisdiction shall be as set out in section 27-08-08. The county superintendent of schools shall receive for any trips necessarily made within his county in the performance of school district reorganization duties the same mileage as he receives under the provisions of section 11-10-15. The board of county commissioners, of any county may, by resolution, increase the salary of any full-time county official by ~~an amount not to exceed thirty percent above the salary~~ provided in this section or section 27-08-08, if, in the judgment of such board, by reason of duties performed, the official merits the increase. The salary of a county official shall not be reduced during his or her term of office. Any county official performing duties on less than a full-time basis may be paid a reduced salary set by the board of county commissioners. In the event the county has for its employees, a group insurance program for hospital benefits, medical benefits, or life insurance, or a group retirement program, financed in part or entirely by the county, such benefits may be in addition to the salaries payable to county officials.
5. Each county commissioner may receive an annual salary or per diem as provided by resolution of the board, which salary or per diem shall not exceed the following limits: In counties having a population of eight thousand or less, four thousand ~~one~~ five hundred ~~thirty~~ forty-five dollars; in counties having a population of over eight thousand and less than fifteen thousand, ~~four~~ five thousand ~~eight~~ three hundred ~~forty-five~~ thirty dollars; and in counties having a population of over fifteen thousand, ~~five~~ six thousand ~~seven~~ three hundred ~~eighty~~ sixty dollars. For the purpose of fixing the maximums herein provided, population figures shall be those established by the most recent federal census. In addition, there shall be an allowance for meals and lodging expenses at the same rate and under the same conditions as provided for state officials and employees. The allowance for travel expenses shall be at the same rate as provided by section 11-10-15, and shall be evidenced by a subvoucher or receipt as provided by section 21-05-01. As used in this section, the words "official business" shall include statewide meetings of the North Dakota county commissioners association.  
If a board shall resolve to pay an annual salary pursuant to this subsection, it shall be paid in monthly installments.

Approved March 31, 1981

## CHAPTER 139

SENATE BILL NO. 2265  
(Stenehjem)

## SHERIFF'S SALARY, EXPENSES, AND FEES

AN ACT to amend and reenact subsection 6 of section 11-10-10, subsections 21 and 22 of section 11-15-07, and section 11-15-29 of the North Dakota Century Code, relating to sheriffs' salaries and expenses and fees which may be collected by sheriffs and their deputies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 11-10-10 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. Sheriffs shall receive the following annual salary, payable monthly, for official services rendered:
  - a. ~~Thirteen~~ Fifteen thousand five hundred dollars in counties having a population with less than eight thousand.
  - b. ~~Fourteen~~ Sixteen thousand five hundred dollars in counties having a population exceeding eight thousand plus additional compensation of one hundred dollars per year for each one thousand additional population or major fraction thereof over eight thousand. However, in counties where the population consists of more than twenty-five percent Indians who have not severed tribal relations, the county commissioners may adjust the salaries provided for herein within the limitations contained in this subdivision.

SECTION 2. AMENDMENT. Subsections 21 and 22 of section 11-15-07 of the 1979 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

21. For boarding prisoners, a sum to be determined by the county commissioners, by resolution in advance, which sum shall be per meal for meals actually served, and not to

exceed ~~one--dollar--and--fifty--cents~~ two dollars for breakfast, two dollars and fifty cents for dinner, and three dollars and fifty cents for supper.

22. For issuing permit or license to carry pistol or revolver, four dollars; and for renewal of such permit or license, ~~one-dollar~~ two dollars.

SECTION 3. AMENDMENT. Section 11-15-29 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-15-29. UNIFORM ALLOWANCE FOR SHERIFFS AND FULL-TIME DEPUTY SHERIFFS. Sheriffs and full-time deputy sheriffs shall be allowed by the board of county commissioners in each county an amount not to exceed ~~four~~ five hundred dollars per person during that person's first year of service, and ~~two~~ three hundred fifty dollars per person each succeeding year.

Approved March 6, 1981

## CHAPTER 140

HOUSE BILL NO. 1376  
(Representatives Martin, Knudson)  
(Senator Quail)

### NEPOTISM BY COUNTY OFFICIALS

AN ACT to restrict acts of nepotism by county officials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. NEPOTISM - COUNTY OFFICIALS RESTRICTED. No head of any executive or administrative department or agency, either elective or appointive, of any county in this state, may appoint his or her spouse, son, daughter, brother, or sister to any position under the control or direction of that official, unless the appointment has been previously approved by resolution of the board of county commissioners.

Approved March 3, 1981

## CHAPTER 141

SENATE BILL NO. 2417  
(Dotzenrod, Wright)

## COUNTY DIRECTOR OF TAX EQUALIZATION

AN ACT to create and enact a new subsection to section 11-10.1-05 of the North Dakota Century Code, relating to the powers and duties of the county director of tax equalization.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. A new subsection to section 11-10.1-05 of the 1979 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Any city or township which does not employ its own assessor shall reimburse the county for the expenses incurred in assessing the property of that city or township.

Approved March 31, 1981

## CHAPTER 142

HOUSE BILL NO. 1486  
(Thompson, Whalen)

## CASHIER'S CHECK MAY ACCOMPANY BID

AN ACT to amend and reenact sections 11-11-28, 39-22-05.2, 40-28-07, 40-29-07, 40-31-03, and 40-54-01 of the North Dakota Century Code, relating to the requirement of a bidder's bond or certified check for county projects, for selling any motor vehicle to the state or a political subdivision, for city service connections, for city sidewalk projects, for city curbing and gutter projects, and for gravel surfacing of city streets; and allowing a certified check or a cashier's check in those instances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-11-28 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-11-28. BID MUST BE ACCOMPANIED BY A BOND - WHEN CERTIFIED OR CASHIER'S CHECK ALLOWED. A bid shall be accompanied by a separate envelope containing a bidder's bond in a sum equal to five percent of the full amount of the bid, executed by the bidder as principal and by a surety company authorized to do business in this state as a guaranty that the bidder will enter into the contract if it is awarded to him and that he will furnish the necessary bond. When the bid is ten thousand dollars or less, the bidder may in lieu of such bond accompany the bid with a separate envelope containing a certified or cashier's check equal to five percent of the full amount of the bid made payable to the board with authority and direction to the board that if the bidder is successful in obtaining the award and fails to enter into the contract, the board may endorse, deposit, and receive the face amount of the certified or cashier's check as liquidated damages.

SECTION 2. AMENDMENT. Section 39-22-05.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-05.2. WHEN BID BONDS NOT REQUIRED IN BIDS TO STATE OR POLITICAL SUBDIVISIONS. Any person who submits a bid to the state

or any of its agencies or any of its political subdivisions to sell any type of motor vehicle shall not be required to submit a bidder's bond or a certified or cashier's check if that person is already bonded pursuant to section 39-22-05. The successful bidder shall submit a performance bond to the appropriate state agency or political subdivision in an amount equal to the contract price within ten days of the awarding of the contract.

SECTION 3. AMENDMENT. Section 40-28-07 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-28-07. BIDS FOR SERVICE CONNECTIONS - ADVERTISING - ACCOMPANIED BY CHECK - AWARDING - RETURNING CHECKS. The governing body shall direct the city auditor to advertise for bids for the laying and construction of service connections in accordance with the plans and specifications therefor. Each bid shall be accompanied by a separate envelope containing a certified or cashier's check in the amount of five hundred dollars to guarantee the entering into the contract if the contract is awarded to him. Bids shall be received by the governing body. The governing body may reject any or all bids for work on service connections and may readvertise for other bids. If all the bids are not rejected, the contract shall be awarded to the responsible bidder whose bid is the lowest upon the basis of cash payment for the work if such bidder has complied with all the requirements of this chapter and furnished the required bond. Upon the awarding of the contract, the checks of all unsuccessful bidders shall be returned to them.

SECTION 4. AMENDMENT. Section 40-29-07 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-29-07. ADVERTISING FOR BIDS FOR SIDEWALKS - MAKING OF BIDS. The city auditor shall advertise in the official municipal newspaper once each week for two consecutive weeks for bids for the construction of the various kinds of sidewalks in the municipality. The bids shall be made in accordance with the specifications of the ordinance required by section 40-29-01 and shall be accompanied by a separate envelope containing a certified or cashier's check in the amount of fifty dollars in accordance with section 40-22-20, and by a separate envelope containing a bond in the amount of five hundred dollars conditioned as provided in section 40-22-23.

SECTION 5. AMENDMENT. Section 40-31-03 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-31-03. REQUIREMENTS AS TO CERTIFIED OR CASHIER'S CHECK AND BIDDER'S BOND ACCOMPANYING BIDS. The provisions of chapter 40-29, insofar as the same apply to the letting of contracts for the construction or repair of sidewalks, may be made applicable to the letting of contracts for the construction or repair of curbing and gutters, by resolution of the governing body of a city. The

governing body, by resolution adopted prior to the advertising for bids for contracts for any such work, may provide that, in lieu of a certified or cashier's check in the amount of fifty dollars and a bidder's bond in the amount of five hundred dollars, a certified or cashier's check only shall be required to accompany such bid in a separate envelope.

SECTION 6. AMENDMENT. Section 40-54-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-54-01. BIDS - ADVERTISING - REQUIREMENTS. On or before the fifteenth day of March in each year, the city auditor of each city within the state may at the discretion of the governing board advertise in the official newspaper once each week for two consecutive weeks for bids for the furnishing of gravel in place for gravel surfacing of highways within the city, upon a cubic yard [0.76 cubic meter] basis. The bids shall be made in accordance with such specifications as to type, grade, and quality of material as shall be specified by the city engineer and approved by the governing board, and shall provide for the delivery of such gravel along such streets of the city as may thereafter be designated, in such manner as may be designated in the specifications. The notice shall specify that payment for such gravel in cash or by special assessment warrants issued against the graveling special assessment fund created by this chapter, and each bidder shall specify in his bid the lowest rate of interest which he will accept upon such warrants, and that payment for such gravel will be accepted by him in the manner herein provided. Each bid shall be accompanied by a separate envelope containing a certified or cashier's check in such amount as may be fixed by the governing board, and the award of the contract shall be made only to such person who shall furnish good and sufficient bond for the performance thereof, in such amount as shall be fixed by the governing board at the time of calling for bids.

Approved March 5, 1981

## CHAPTER 143

SENATE BILL NO. 2257  
(H. Christensen)

## ADULT ESTABLISHMENT REGULATION

AN ACT defining adult establishments and providing for county and city regulation of adult establishments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Adult bookstore" means a bookstore having as a preponderance of its publications books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this section.
2. "Adult establishment" means either an adult bookstore, an adult motion picture theater, an adult mini-motion picture theater, or a massage business, all as defined in this section.
3. "Adult motion picture theater" means an enclosed building with a capacity of fifty or more persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons of the theater.
4. "Adult mini-motion picture theater" means an enclosed building with a capacity for less than fifty persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons of the theater.

5. "Massage" means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.
6. "Massage business" means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors.
7. "Sexually oriented devices" means without limitation any artificial or simulated specified anatomical area or any other device or paraphernalia that is designed in whole or in part for specified sexual activities.
8. "Specified anatomical areas" means:
  - a. Less than completely and opaquely covered human genitals and pubic regions, buttocks, or female breasts below a point immediately above the top of the areola.
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. "Specified sexual activities" means:
  - a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse, or sodomy; or
  - c. Fondling or other erotic touchings of human genitals and pubic regions, buttocks, or female breasts.

SECTION 2. COUNTY RESTRICTION OF ADULT ESTABLISHMENTS. The board of county commissioners of any county may, upon proper resolution, provide that:

1. No building, premises, structure, or other facility that contains any adult establishment, as defined in section 1 of this Act, shall contain any other kind of adult establishment.
2. No building, premises, structure, or other facility in which sexually oriented devices, as defined in section 1 of this Act, are sold, distributed, exhibited, or contained shall contain any adult establishment, as defined in section 1 of this Act.

SECTION 3. CITY RESTRICTION OF ADULT ESTABLISHMENTS. The governing body of any city may, by ordinance, provide that:

1. No building, premises, structure, or other facility that contains any adult establishment, as defined in section 1 of this Act, shall contain any other kind of adult establishment.
2. No building, premises, structure, or other facility in which sexually oriented devices, as defined in section 1 of this Act, are sold, distributed, exhibited, or contained shall contain any adult establishment, as defined in section 1 of this Act.

Approved March 18, 1981

## CHAPTER 144

HOUSE BILL NO. 1584  
(Moore)

## SHERIFF'S FEE FOR SERVING CAPIAS

AN ACT to amend and reenact subsection 1 of section 11-15-07 of the North Dakota Century Code, relating to fees which may be charged and collected by sheriffs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 11-15-07 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. For serving a capias with commitment of bail and return, ~~five~~ twenty-five dollars.

Approved March 16, 1981

## CHAPTER 145

SENATE BILL NO. 2250  
(Senator Lee)  
(Representative Freborg)

## RECREATIONAL ACTIVITIES LEVY

AN ACT to amend and reenact sections 11-28-05 and 11-28-06 of the North Dakota Century Code, relating to the powers and duties of the board of county park commissioners and county tax levies for park purposes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-28-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28-05. POWERS AND DUTIES OF THE BOARD OF PARK COMMISSIONERS. The board of county park commissioners shall have the power and it shall be its duty to:

1. Sue and be sued in the name of the board.
2. Accept on behalf of the county any and all lands and waters and any and all interests, easements, or rights therein, and any gifts, grants, donations, or trusts in money or property, or other assistance, financial or otherwise, from federal, state, municipal, and other public or private sources for park and recreational purposes; and accept and assume the supervision, control, and management of any privately owned property or recreational area, when the conditions of the offer for its public use are such as in the judgment of the board will be conducive to the best interests of the people of the county and state.
3. Cooperate and contract with the state or federal government or any department or agency thereof in furnishing assurances and meeting local cooperation requirements in connection with any project involving the construction, improvement, operation, maintenance, conservation, or use of any park or recreational area under the jurisdiction, supervision, control, and management of the board.

4. Regulate, supervise, control, and manage all areas of land and water owned or held by the county or which may be, under written agreement, placed by an individual, a corporation, the federal, state, or a municipal government, or any department or agency thereof, under the jurisdiction, supervision, control, and management of the board of county park commissioners for park or recreational purposes.
5. Promulgate, publish, and impose rules and regulations concerning the uses to which such land and water areas may be put, including the regulation or prohibition of the construction, establishment, or maintenance therein or thereon or within one-half mile thereof of any concession, dance hall, dance parlor, dance pavilion, soft or hard drink parlor or bar, and of any and all establishments of every name, nature, or description which may, in the judgment of the board, be unsightly, noisome, improper, inappropriate, or detrimental to the social usages of the area or areas for park and recreational purposes.
6. Regulate, supervise, control, and manage all such land and water areas including all lakes, streams, and ponds and all artificial bodies of water created by any water development or water conservation or flood control project of the county, state, or federal government not under the jurisdiction, supervision, or control of any other board, department, or governing body.
7. Exercise full police power, supervision, control, and management over such areas and the adjoining and adjacent lands within one-half mile thereof, and by regulations duly promulgated, published, and imposed regulate or prohibit the construction, establishment, maintenance, or operation within one-half mile of any such land or water area of any dance hall, dance parlor, dance pavilion, soft or hard drink parlor or bar, and any and all establishments of every name, nature, and description which may, in the judgment of the board, be unsightly, noisome, improper, inappropriate, or detrimental to the social usages of any land area or body of water so developed or created. The authority provided by these subsections is intended to be exercised for the protection of the health, safety, good morals, and general welfare of the people of the county and state to the fullest extent permissible under the police power of the county and state.
8. Prevent the pollution, contamination, or other misuse of any water resource, stream, or body of water under its jurisdiction, supervision, control, or management.
9. Certify to the county auditor the amount of money necessary to meet the estimated expenses and costs of

properly conducting its business and activities, including the operation, maintenance, and improvement of the park and recreational areas under its jurisdiction, ~~supervision, control, or management~~ control and those recreational activities of benefit to the general populace of the county which are under the control of a city or a city park district within the county for the ensuing year, such certificate to be filed with the county auditor not later than the first day of July each year. Such certificate shall be accompanied by an itemized budget statement showing the detailed expenditure program, as nearly as possible, of the board for the ensuing year.

10. Do all the things reasonably necessary and proper to preserve the benefits accruing from the park and recreational areas under the jurisdiction, supervision, control, and management of the board of county park commissioners.
11. To exercise the power of eminent domain in the manner provided by title 32 for the purpose of acquiring and securing any right, title, interest, estate, or easement necessary to carry out the duties imposed by this chapter, and particularly to acquire the necessary rights in land for the control of the shores of any lake and to protect the right of ingress and egress therefrom and to provide recreational areas or facilities.

SECTION 2. AMENDMENT. Section 11-28-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28-06. TAX LEVY BY BOARD OF COUNTY COMMISSIONERS. At the time of levying taxes for other county purposes, the board of county commissioners shall consider the certificate and budget statement of the board of county park commissioners and shall levy each year upon all taxable property in the county a tax sufficient in amount to pay the actual necessary expenses and activities program of the board of county park commissioners, including construction, improvement, repair, operation, and maintenance of the park and recreational areas and their facilities under ~~the jurisdiction, supervision, control, and management of the board of county park commissioners~~ its control and those recreational activities of benefit to the general populace of the county which are under the control of a city or a city park district within the county, not exceeding one mill on each dollar of the taxable valuation of the county, which tax may be levied in excess of the mill limit fixed by law for taxes for general purposes. No levy in excess of one mill shall be made without approval of the eligible voters in the county at a special or general election. The county auditor shall credit the proceeds of such tax to the separate fund of the board of county park commissioners. This levy shall not apply to cities that already have a park levy unless the governing body of such city by resolution consents to such levy.

Approved March 6, 1981

## CHAPTER 146

HOUSE BILL NO. 1476  
(Representative Houmann)  
(Senator Adams)

RECREATION SERVICE DISTRICT  
WATER DREDGING BONDS

AN ACT to amend and reenact section 11-28.2-04.1 and subsection 8 of section 21-03-06 of the North Dakota Century Code, relating to improvements by recreation service districts, and to purposes for bond issues by recreation service districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-28.2-04.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28.2-04.1. POWER OF RECREATION SERVICE DISTRICTS TO MAKE IMPROVEMENTS - CREATING DISTRICT - DETERMINING NECESSITY - CONTRACTING FOR IMPROVEMENT - LEVYING SPECIAL ASSESSMENTS AND TAXES AND IMPOSING SERVICE CHARGES - ISSUANCE OF WARRANTS. Each recreation service district established under the provisions of this chapter shall have the authority to make those improvements specified in subdivisions a and b, and f of subsection 8 of section 21-03-06. In making any such improvement, in addition to any other powers granted in chapter 21-03, a recreation service district shall, subject to the provisions of this section, be deemed to be a "municipality", as the term is used in chapters 40-22 through 40-27, for the purpose of creating an improvement district, determining the necessity of making an improvement, contracting for an improvement, levying special assessments and general taxes and imposing service charges to pay the cost of an improvement, issuing temporary, definitive, and refunding warrants to finance an improvement, and levying general taxes to pay any deficiency in moneys available to pay the principal and interest on any warrants so issued. The above language refers to all projects and services costing more than five thousand dollars. Provided, however, with respect to section 40-22-15 if the resolution declaring improvements necessary is required to be published, it shall also be sent by certified mail to the owners of all property within the improvement district not more than ten days after the first publication of the resolution.

SECTION 2. AMENDMENT. Subsection 8 of section 21-03-06 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

8. By any recreation service district:
- a. For the construction and extension of water plants or the purchase of existing plants; the construction and improvement of water mains, sewers, and drains; or for the joint construction and establishment of a water and sewer system; or for the erection, planning, construction, and establishment of a sewage disposal plant or system; or for the erection, construction, and enlargement of garbage disposal plants and to purchase sites and grounds, either within or without the limits of the recreation service district, for the disposal of sewage, garbage, and other refuse; and other like recreation service district purposes.
  - b. To provide for acquiring, laying out, and improving parks, parkways, park buildings, public drives, boulevards, highways, streets, state highways, and to acquire land for these purposes.
  - c. To provide money for the payment of any deficiency in the fund of any special improvement district whenever the special assessment or taxes levied and collected for the specific improvements are then insufficient to pay the principal or interest of any special improvement warrants issued for such improvement and then due and unpaid, but only to the extent of such deficiency.
  - d. For the purchase of trucks, garbage collectors, and other vehicles, equipment, and materials for the collection, removal, and disposal of garbage, rubbish, ashes, refuse, and other wastes within the recreation service district.
  - e. For the purpose of providing services described in section 11-28.2-04.
  - f. For the purpose of dredging any waters or waterways within or contiguous to the recreation service district.

Approved March 11, 1981

## CHAPTER 147

HOUSE BILL NO. 1532  
(Marsden, Houmann)

## RECREATION SERVICE DISTRICT LEVY

AN ACT to create and enact a new section to chapter 11-28.2 of the North Dakota Century Code, relating to the authority of county recreation service districts to levy a tax for general purposes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 11-28.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

POWERS OF RECREATION SERVICE DISTRICTS - LEVYING GENERAL TAXES. The board of recreation service district commissioners of a recreation service district created under the provisions of this chapter may, upon proper resolution of the board, levy a tax for general purposes in addition to all other levies permitted by law, not to exceed one mill on the net taxable valuation of property in the district.

Approved March 31, 1981

## CHAPTER 148

HOUSE BILL NO. 1468  
(Boyum, Mertens)

## COMPREHENSIVE PLAN REQUIREMENTS

AN ACT to amend and reenact sections 11-33-03, 40-47-03, and 58-03-12 of the North Dakota Century Code, relating to the purpose of zoning regulations and the definition of the term "comprehensive plan".

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-33-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-33-03. OBJECT OF REGULATIONS. These regulations shall be made in accordance with a comprehensive plan and designed for any or all of the following purposes:

1. To protect and guide the development of nonurban areas.
2. To secure safety from fire, flood, and other dangers.
3. To 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.
4. To lessen governmental expenditures.
5. To conserve and develop natural resources.

These regulations shall be made with a reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses. The comprehensive plan shall be a statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control.

SECTION 2. AMENDMENT. Section 40-47-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-47-03. REGULATION FOR ZONING MADE FOR WHAT PURPOSES. The regulations provided for in this chapter shall be made in accordance with a comprehensive plan and shall be designed to:

1. Lessen congestion in the streets;
2. Secure safety from fire, panic, and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of land;
6. Avoid undue concentration of population; and
7. Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.

The regulations shall be made with reasonable consideration as to the character of each district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. The comprehensive plan shall be a statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control.

SECTION 3. AMENDMENT. Section 58-03-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-03-12. BASIS FOR TOWNSHIP ZONING REGULATIONS AND RESTRICTIONS. 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. The comprehensive plan shall be a statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control.

Approved March 5, 1981

## CHAPTER 149

HOUSE BILL NO. 1078  
(Legislative Council)  
(Interim Political Subdivisions Committee)

## RURAL SUBDIVISION IMPROVEMENTS

AN ACT to create and enact two new sections to chapter 11-33.1 and a new subdivision to subsection 1 of section 21-03-06 of the North Dakota Century Code, relating to initiation of resolutions for improvements in rural subdivisions by county commissioners, and the purposes and specific limitations of a bond issue; and to amend and reenact section 11-33.1-01 of the North Dakota Century Code, relating to petitions for improvements by residents of rural subdivisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-33.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-33.1-01. PETITION FOR IMPROVEMENTS - LEVY OF SPECIAL ASSESSMENTS. The county commissioners of any county in North Dakota, upon receipt of a petition bearing signatures of sixty percent of the affected and benefited property owners in a rural, platted, zoned, and recorded subdivision with restrictive covenants, and situated outside the corporate limits of any city in North Dakota, may install such improvements ~~as--road--or--street~~ ~~identification-markers,--road--or--street-lights,--and--asphalt--paving;~~ such improvements to be billed back to the individual benefited property owners ~~on-an-equal-per-let-basis~~ in the manner provided for by law for the levying of special assessments in municipalities in the form of a special assessment on the individual annual general property tax statement. Payments for special assessments levied in accordance with this section shall not exceed a period of ~~five~~ twenty years and said special assessments shall constitute a lien on the affected and benefited property until paid. The special assessment provided in this section shall bear interest at the rate not to exceed ~~seven~~ ten percent per annum from the date of the entry by the county treasurer, and the collection thereof may be made and enforced as delinquent taxes are enforced against real property.

SECTION 2. A new section to chapter 11-33.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

RESOLUTIONS FOR IMPROVEMENTS - LEVY OF SPECIAL ASSESSMENTS.  
The board of county commissioners of any county may, by resolution, provide for the installation of improvements in a rural, platted, zoned, and recorded subdivision with restrictive covenants and situated outside the corporate limits of any city in North Dakota. The improvements shall be billed back to the affected and benefited property owners in the manner provided for by law for the levying of special assessments in municipalities in the form of a special assessment on the individual annual property tax statement. Payments for special assessments levied in accordance with this section shall not exceed a period of twenty years and the special assessments shall constitute a lien on the affected and benefited property until paid. The special assessment provided in the section shall bear interest at an annual rate not to exceed ten percent from the date of the entry by the county treasurer, and the collection of the special assessment plus interest may be enforced as delinquent taxes are enforced against real property.

SECTION 3. A new section to chapter 11-33.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

PROCEDURE FOR RESOLUTION - NOTICE AND HEARING. The county commissioners may provide for the installation of improvements in a rural subdivision and the levy of special assessments utilizing the following procedure:

1. The county commissioners shall adopt a resolution describing the property to be affected and benefited by the improvements.
2. The county commissioners shall publish the resolution once each week for three consecutive weeks, prior to adoption, in the official newspaper of the county.
3. In the absence of protests filed, as of the date of the adoption of the resolution, by forty percent or more of the owners of property to be affected and benefited by the improvements, the property described in the resolution shall be subject to improvement and the property owners shall be liable for the payment of special assessments.
4. If forty percent or more of the affected property owners protest the resolution, the county commissioners shall direct the county auditor to mail, to each of the property owners, notice of a hearing on the resolution to be held within thirty days of the notice. At the conclusion of the hearing, the county commissioners shall affirm, modify, or vacate the previous resolution.

SECTION 4. A new subdivision to subsection 1 of section 21-03-06 of the 1979 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To provide funds for improvements in rural platted, zoned, and recorded subdivisions with restrictive covenants, in accordance with chapter 11-33.1. Any bonds issued for this purpose shall not be considered against the general bonding authority of the county.

Approved March 2, 1981

## CHAPTER 150

HOUSE BILL NO. 1082  
(Legislative Council)  
(Interim Political Subdivisions Committee)

### SUBDIVISION REGULATION

AN ACT to empower counties to regulate and restrict the subdivision of land, to provide for the preparation of a subdivision resolution, to provide for a plat approval procedure, and to provide a penalty and civil remedies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. DEFINITION. For the purposes of this Act, unless the context otherwise requires, "subdivision" means the division of a lot, tract, or parcel of land, creating one or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights of way, whether public or private, for access to or from any such lot, tract, or parcel, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.

SECTION 2. COUNTY POWER TO REGULATE SUBDIVISION. For the purpose of promoting health, safety, morals, public convenience, general prosperity, and public welfare, the board of county commissioners of any county is hereby empowered to regulate and restrict within the county the subdivision of land. This Act shall not serve to invalidate any ordinance, resolution, regulation, decision, plat approval, or other action taken or adopted, by a board of county commissioners or county planning commission, prior to or subsequent to July 1, 1981, which regulates or otherwise affects the subdivision of land, except that, subsequent to July 1, 1981, the provisions of section 12 of this Act shall apply to any county requiring plat approval as a prerequisite to the subdivision of land.

SECTION 3. SCOPE OF COUNTY AUTHORITY. County regulation of subdivision pursuant to the provisions of this Act shall in no way affect subdivision within the corporate limits, or within the area of application of extraterritorial zoning jurisdiction adopted pursuant to section 40-47-01.1, of any city. Additionally, no resolution, regulation, or restriction adopted pursuant to the

provisions of this Act shall prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming.

SECTION 4. PREPARATION OF SUBDIVISION RESOLUTION - CONTENTS. The board of county commissioners of any county desiring to avail itself of the powers conferred by sections 1 through 11 and sections 13 through 15 of this Act shall direct the county planning commission, as established pursuant to sections 11-33-04 and 11-33-05, to prepare a proposed resolution regulating the subdivision of land. The county planning commission shall prepare the proposed resolution to be submitted to the board of county commissioners and shall file it in the office of the county auditor. The proposed subdivision resolution may include, but need not be limited to:

1. Provisions for the submittal and processing of plats, and specifications for such plats, including provisions for preliminary and final approval and for processing of final approval by stages or sections of development.
2. Provisions for ensuring that:
  - a. The location, layout, or arrangement of a proposed subdivision shall conform to the comprehensive plan of the county.
  - b. Streets in and bordering a subdivision shall be coordinated, and be of such width and grade and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
  - c. Adequate easements or rights of way shall be provided for drainage and utilities.
  - d. Reservations if any by the developer of any area designed for use as public grounds shall be of suitable size and location for the designated use.
  - e. Land which is subject to extraordinary hazards, including but not limited to flooding and subsidence, either shall be made safe for the purpose for which such land is proposed to be used, or shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing hazard.
3. Provisions governing the standards which public improvements including but not limited to streets, walkways, curbs, gutters, streetlights, fire hydrants, and water and sewage facilities shall meet. As a condition of final approval of plats, the board of county commissioners may require that the subdivider make and install such public improvements at his own expense and that he execute a surety bond or other security to ensure that he will so

make those improvements within such time as the board of county commissioners shall set.

4. Provisions for release of a surety bond or other security upon completion of public improvements required to be made by the subdivider.
5. Provisions for encouraging and promoting flexibility, economy, and ingenuity in the location, layout, and design of subdivisions including, but not limited to, provisions authorizing the board of county commissioners to attach conditions to plat approvals requiring practices which are in accordance with modern and evolving principles of subdivision planning and development, as determined by the board of county commissioners.

SECTION 5. HEARINGS. After the filing of the proposed resolution, the county planning commission shall hold a public hearing thereon, at which the proposed resolution shall be submitted for discussion, and parties in interest and citizens shall have an opportunity to be heard. Notice of the time, place, and purpose of the hearing shall be published once each week for two consecutive weeks in the official newspaper of the county, and in such other newspapers published in the county as the county planning commission may deem necessary. Said notice shall describe the nature, scope, and purpose of the proposed resolution, and shall state the times at which it will be available to the public for inspection and copying at the office of the county auditor.

SECTION 6. PUBLICATION OF RESOLUTION - EFFECTIVE DATE. Following the public hearing, the board of county commissioners may adopt the proposed resolution, with such changes as it may deem advisable. Upon adoption of the resolution, the county auditor shall file a certified copy thereof with the register of deeds. Immediately after the adoption of any resolution, the county auditor shall have notice of that fact published for two successive weeks in the official newspaper of the county and in other newspapers published in the county as the board of county commissioners may deem appropriate. The notice shall describe the nature, scope, and purpose of the adopted resolution, and shall state the times at which it will be available for public inspection and copying at the office of the register of deeds. Proof of publication shall be filed in the office of the county auditor. If no petition for a separate hearing is filed pursuant to section 7 of this Act, the resolution or amendment thereto shall take effect upon the expiration of the time for filing said petition. If a petition for a separate hearing is filed pursuant to section 7 of this Act, the resolution or amendment shall not take effect until the board of county commissioners has affirmed the resolution or amendment in accordance with the procedures set out in section 7 of this Act. The resolution may be amended or repealed by the board of county commissioners by following the same procedures as in the case of adoption of a resolution.

SECTION 7. SEPARATE HEARINGS. Any person aggrieved by any provision of a resolution adopted hereunder, or any amendment thereto, may, within thirty days after the first publication of the notice of adoption of the resolution or amendment, petition for a separate hearing before the board of county commissioners. The petition shall be in writing and shall specify in detail the ground or grounds of objection. The petition shall be filed with the county auditor. A hearing on the petition shall be held by the board no sooner than seven days, nor later than thirty days after the filing of the petition with the county auditor, who shall notify the petitioner of the time and place of the hearing. At this hearing the board of county commissioners shall consider the matter complained of and shall notify the petitioner, by registered or certified mail, what action, if any, it proposes to take. The board of county commissioners, at its next regular meeting, shall either rescind or affirm the resolution or amendment. The provisions of this section shall not operate to curtail or exclude the exercise of any other rights or powers of the board of county commissioners or of any citizen.

SECTION 8. MAY ADJUST ENFORCEMENT. The board of county commissioners is authorized to adjust the application or enforcement of any provision of a resolution hereunder in any specific case where a literal enforcement of such provision would result in great practical difficulties, unnecessary hardship, or injustice, so as to avoid such consequences, provided such action shall not be contrary to the public interest or the general purposes of this Act.

SECTION 9. APPEALS TO DISTRICT COURT. Any person, or persons, jointly or severally, aggrieved by a decision of the board of county commissioners under this Act, or any resolution or amendments adopted hereunder, may appeal to the district court in the manner provided in chapter 11-11.

SECTION 10. ENFORCEMENT. The board of county commissioners shall provide for the enforcement of this Act and of any resolution and amendments adopted hereunder, and may impose enforcement duties on any officer, department, agency, or employee of the county.

SECTION 11. BOARD OF COUNTY COMMISSIONERS AUTHORIZED TO APPROVE PLATS - APPROPRIATE MONEY. The board of county commissioners is empowered to authorize and provide for the approval of plats as a prerequisite to the subdivision of land subject to the provisions of this Act, and may establish and collect reasonable fees therefor. The fees so collected shall be credited to the general fund of the county. The board of county commissioners is further empowered to appropriate, out of the general funds of the county, such moneys as may be necessary for the purposes of this Act.

SECTION 12. EFFECT OF APPROVAL OF PLATS. If a county requires approval of plats as a prerequisite to the subdivision of land, whether such requirement be adopted in compliance with this

Act, or be adopted, whether prior to or subsequent to July 1, 1981, pursuant to other authority, from and after July 1, 1981:

1. No subdivision of any lot, tract, or parcel of land shall be made, no street, sanitary sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with a plat as finally approved by the board of county commissioners.
2. No plat shall be finally approved or disapproved by the board of county commissioners except upon receipt of recommendations by both the county planning commission and the board of township supervisors of the township in which the proposed subdivision is located. The board of county commissioners shall, by registered mail, notify the chairman of the board of township supervisors that an application for plat approval has been initiated, either before the county planning commission or before the board of county commissioners, and that the board of township supervisors is requested to make a recommendation on the application. If the board of county commissioners does not receive, by registered mail, a recommendation by the board of township supervisors within sixty days after notification, it may take final action on the application for plat approval. The recommendations by either the county planning commission or the board of township supervisors shall not be binding on the county commissioners.
3. In determining whether a plat shall be finally approved or disapproved, the board of county commissioners shall inquire into the public use and interest proposed to be served by the subdivision. It shall determine if appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, but its determination is not limited to the foregoing. The board shall consider all other relevant facts and determine whether the public interest will be served by the subdivision. If it finds that the proposed plat makes appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and that the public use and interest will be served by the platting of such subdivision, and that the proposed plat complies with a county resolution, if any, regulating or restricting the subdivision of land, to the extent that such resolution does not conflict with the provisions of this section, such plat shall be finally approved with such conditions

as the board of county commissioners may deem necessary. If it finds that the proposed plat does not make appropriate provisions, or that the public use and interest will not be served, or that the proposed plat does not so comply with the aforementioned resolution, then the board of county commissioners shall disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat.

SECTION 13. REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS. In the event that any public improvements which may be required to be installed by the subdivider have not been installed as provided in the subdivision resolution or in accordance with the plat as finally approved, the board of county commissioners is hereby granted the power to enforce any surety bond, or other security, required of said subdivider by appropriate legal and equitable remedies. If the proceeds of the bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the security, the board of county commissioners may, at its option, install part of such improvements in all or part of the subdivision and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the subdivider, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other purpose.

SECTION 14. RECORDING PLAT. Upon final approval of a plat as required under this Act, the subdivider shall record the plat in the office of the register of deeds of the county wherein the plat is located. Whenever plat approval is required by a county, the register of deeds shall not accept any plat for recording unless such plat officially notes the final approval of the board of county commissioners.

SECTION 15. PENALTY AND REMEDIES. Any person, partnership, or corporation who or which, being the owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or who or which sells, transfers, or agrees or enters into an agreement to sell or transfer any land in a subdivision or engages in the subdivision of land or erects any buildings thereon, unless and until a plat has been finally approved in full compliance with the provisions of this Act and of the resolution adopted hereunder and has been recorded as provided herein, shall be guilty of a class B misdemeanor. Each lot, tract, or parcel created or transferred, and each building erected in a subdivision in violation of the provisions of this Act or of the resolutions adopted hereunder shall constitute a separate offense.

If any lot, tract, or parcel of land is subdivided in violation of this Act or any resolution or amendments thereto adopted pursuant to this Act, the proper county authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceedings:

1. To prevent such unlawful subdivision.
2. To restrain, correct, or abate such violations.
3. To prevent the occupancy or use of the land which has been unlawfully subdivided.
4. To vacate and nullify any recorded plat of such unlawful subdivision.

Approved March 2, 1981