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SUBJECT: MUNICIPAL INCORPORATION

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 2

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### MUNICIPAL INCORPORATION REVIEW PROCEDURE

The following procedure is adopted by the Cass County Board of Commissioners (Board) for the purpose of providing notice to all interested persons as to the specific procedure that will be followed in the presentation and consideration of petitions for municipal incorporation in Cass County, North Dakota.

The procedure is as follows:

- 1) Upon presentation of a petition for municipal incorporation before the Board, the petition and accompanying documents shall be referred to the Cass County Planning Commission (Commission) for consideration and recommendation.
- 2) The Commission shall consider the Petition and accompanying documents in the ordinary course of its proceedings. The Commission may request further documentation or information from the Petitioners and receive information from any interested party.
  - a) Such further information may include, but is not limited to, information relating to: population density, per capita assessed valuation, proximity to populated areas (including areas that are not part of an incorporated area), likelihood of significant growth, need for services, effect of the proposed action and alternative actions on adjacent areas, and operating budget and proposed mill levy, comprehensive plan, zoning ordinance, plans for exercising extraterritorial zoning and subdivisions authority, plans for floodplain zoning administration, plans for coordinating growth management/development reviews with the County, Township, and Cities.

Further, the Commission may hold a public hearing on the petition if such a hearing is deemed appropriate by the Commission.

- 3) The Commission shall make a written report of its findings and recommendation to the Board. The Board shall designate a time and place for the public hearing on the petition as provided by state law. Notice of the public hearing shall be published by the petitioners as required by state law.

## MUNICIPAL INCORPORATION REVIEW PROCEDURE (Cont.)

- 4) At the time of the public hearing the Board shall hear from all interested persons concerning the petition.
  - a) At the time of the public hearing, the Board shall require the petitioners to show proof of notice of the public hearing and proof that the survey, maps, and census required in the incorporation process have been subject to examination as required by state law.
  - b) The Board may request further documentation or information from the petitioners.
- 5) The Board shall vote on approval or disapproval of the Petition. Such action by the Board may be taken at the time of the public hearing or at a later date set by the Board for final consideration of the petition.
- 6) A written record of the findings of the Board shall be adopted by the Board following the vote on the petition. Such action by the Board may be taken at the time of the vote or at a later date set by the Board.
- 7) If the petition is approved the Board shall take appropriate steps for the election process and final action on the petition as required by state law.

While this procedure is adopted by the Board and is expected to be followed when petitions for municipal incorporations are submitted, the Board may alter the procedures set forth herein for any reason.

If any questions arise in relation to the procedures set forth herein, such questions may be directed to the Board in writing or orally at any regularly scheduled meeting of the Board.