

CASS COUNTY PLANNING COMMISSION AGENDA FOR MAY 25, 2006

Cass County Highway Department Conference Room
7:00 AM
1201 Main Avenue West, West Fargo

1. Call to Order
Establish Quorum of Members
Approve March 23, 2006 Minutes
2. Schlanser Subdivision – Preliminary Plat
Major Subdivision
[Action]
3. Cass County Junk Ordinance Presentation
[Information]

Planning Commissioners:

Planning Commissioners:
Please call Highway Department Secretary
at 298-2370 if you are unable to attend.
at 298-2370 if you are unable to attend.

Additional copies of the agenda and Planning Commission materials are available on Cass County Website:

http://www.casscountygov.com/departments/planning/Planning_Commission.htm

Persons with Disabilities needing accommodations should call 298-2370 prior to the meeting.

**CASS COUNTY PLANNING COMMISSION
MARCH 23, 2006**

1. MEETING TO ORDER

The meeting was called to order on March 23, 2006, at 7:00 AM in the Highway Department Conference Room with members present as follows: Ken Loughed, Keith Monson, Chad Peterson, Mark Simmons, Robyn Sorum, Todd Ellig, and Linda Coates. Mark Johnson and Kent Jensen were absent. Also present was County Planner, Mike Zimney.

2. MINUTES APPROVED

MOTION, passed

Mr. Simmons moved and Mr. Monson seconded that minutes from the January 26, 2006, meeting be approved as written. Motion carried.

3. SUBDIVISION ORDINANCE UPDATE

Mr. Zimney said the subdivision ordinance was approved by the Cass County Commission on March 6, 2006. He said the only change was to the fee schedule, which was revised to be consistent with Fargo and West Fargo.

Mr. Ellig, who sits on the Stanley Township Board, said their attorney has some concerns with the subdivision ordinance regarding density requirements for subdivisions. The subdivision ordinance will be placed on the State Township Board Officers' meeting for discussion to help clarify the issue. Mr. Zimney said the township has zoning authority and the county has subdivision authority. Mrs. Sorum said she will speak with the state's attorney and suggest he meet with the township's attorney to discuss this concern. Mr. Loughed said the county planning commission is not trying to take away zoning authority from townships and that he hopes the townships will use the subdivision ordinance as a guide. Mr. Peterson said if the state board endorses the county's ordinance, maybe townships will use it as more than a model and possibly enforce some of the guidelines.

4. AMERICA WALKS CONFERENCE

Mr. Zimney said local leaders and governments, including the commission, are invited to attend the "America Walks Conference" on April 7, 2006, at the Heritage Hjemkomst Center in Moorhead. There will be discussion on ways to improve walking routes, road intersections and other similar issues.

5. OHNSTAD SUBDIVISION, Final plat approved with conditions

The plat of Ohnstad Subdivision is located in the SW ¼ of Section 36 in Everest Township. The plat is approximately 70 acres and was submitted for review by Dave Ohnstad. The purpose of the subdivision is to plat three lots. The preliminary plat was approved at the last meeting. Dave Ohnstad, applicant, was present.

Mr. Lougheed opened the public hearing for comments. Mr. Ellig questioned why the county sanitarian did not take soil samples. Mr. Zimney said the applicant has no immediate plans to build and that soil samples have already been taken on the existing house. After no further comments, the public hearing was closed.

MOTION, passed

Mr. Simmons moved and Mr. Ellig seconded to approve the final plat of Ohnstad Subdivision with the following conditions: 1) approval of plat by Planning Commission; 2) address the recommendations of the Planning Commission; and 3) receive the \$250 platting fee. Motion carried unanimously.

6. F-M METROPOLITAN BICYCLE AND PEDESTRIAN PLAN, Approved

Kajari Laskar, Transportation Analyst from Metropolitan Council of Governments (Metro COG), provided a presentation on the 2006 Metropolitan Bicycle and Pedestrian Plan.

Mr. Lougheed asked whether the usage of the bike and walking paths outweigh the cost of developing and funding them. Mr. Simmons said he has heard from homeowners who want paths and trails and that federal funding is available to construct them. Ms. Coates said people are encouraged to use healthier modes of transportation, i.e. walking, biking and roller blading, and these allow for an alternative to vehicle transportation.

MOTION, passed

Mr. Simmons moved and Mr. Peterson seconded to approve the F-M Metropolitan Bike and Pedestrian Plan as presented by Metropolitan Council of Governments; and to forward the plan to the Cass County Commission for approval. Motion carried unanimously.

7. ADJOURNMENT

MOTION, passed

On motion by Mr. Monson, seconded by Mr. Peterson, and all voting in favor, the meeting was adjourned at 7:50 AM.

Preliminary Plat Review Report –Schlanser Subdivision

An application for subdivision approval of a tract of land located in SW ¼ of Section 6 in Pleasant Township (137-48) was filed in the Cass County Planning Office by Fred Schlanser. The intention of the subdivision is plat 46 total lots for a residential development. The plat is approximately 65 acres and lots range from 0.63 to 4.3 acres, with the majority around one acre.

The proposed subdivision is adjacent to Co Rd 81 and is located approximately two miles north of Oxbow and five miles south of Fargo's city limits and 2 miles south of their ET boundary.

Analysis

This proposed major subdivision exceeds the county's 1:40 (one lot per 40 acres) density restriction, requiring it to be built with full urban infrastructure. The subdivision will have paved curb and gutter streets, will connect to Cass Rural Water Users and construct the necessary infrastructure to provide functioning fire hydrants, will connect to the Fargo sanitary main and install street lights, sidewalks, park dedication, and storm water facilities. The riverfront lots will have 450' river setback and associated land use restrictions. The perimeter of the subdivision will have a windbreak constructed to NRCS standards to provide wind, snow and privacy protection.

The property is within an area which floods and the roads within the subdivision would be required to be built 6" above the BFE and homes will be built to Pleasant Townships Flood Plain Regulations (lowest elevation 2.5' above BFE). The existing private drive located on the north side of the property will have to be built to county standards and paved to the subdivisions north entrance. The current FIRM indicates the BFE is 912, while the draft FEMA restudy calculates the BFE at 912.46, the existing elevations range from 908 to 912.

The county is reconstructing CO 81 this summer and installing intersection improvements at the section lines and accesses into existing subdivisions, some with lower generated traffic than the proposed subdivision. The Highway Department staff is concerned regarding the turning movements into the proposed subdivision, specifically the potential safety impact of slow or stopped traffic making left turn movements into the subdivision. Based on Iowa DOT guidelines for auxiliary turn lanes, the current ADT and the subdivisions generated traffic would warrant a left turn lane.

The gentle curves of the two eastern street curves could encourage speeding in this residential setting. Typically, 140' centerline radius is adequate for a 25 mph street, the staff recommends decreasing the proposed curves near this standard to provide for a safe street (602.01 – B).

Design standards not met include:

- 616.08 Trail Construction – 15' trail easement adjacent to Red River and CO Hwy 81
- 602.06 Mid-block pedestrian easements – 10' pedestrian easement required for blocks exceeding 600'
- 610 Watercourse setbacks – Plat needs to display both minimal (350') and limited (450') disturbance zones.
- 612 Flood plain – The 100 year and floodway in relation to the proposed lots needs to be displayed on a supplementary sheet

Comprehensive Plan Consistency

The proposed subdivision built to full urban standards and Subdivision Regulations will be consistent with the Comprehensive Plans goals of providing adequate infrastructure meeting lot owner's needs and allowing for easier transition into an urban environment upon annexation.

Variances

Staff recommendation – reduce street width from 30 to 26'. This will provide two 10' driving lanes and 6' parking on one side. Based on the size of the lots and the required 50' setback, the majority of cars will be parked in garages or driveways, reducing the amount of on-street parking needed. The reduction will encourage slower and safer speeds. The variance would require restricted parking on one side with proper signage and would restrict mail boxes to the opposite side.

Staff recommendation – Due to isolation of the subdivision, staff recommends only dedication of trail adjacent to the Red River since a constructed trail would not connect to any existing trail system. The dedication will reserve space for a trail as area develops and existing trails extend into the area. As part of variance, the developer would be required to identify these dedications as “*future multi-use trail*” on all marketing materials and subdivision maps so prospective owners are cognizant of their location.

Developer Request – The developer would like to use a modified urban section, consisting of curb and gutter street that would utilize small basins adjacent to roadway and between each driveway. Each basin would have a stormwater inlet and lots would drain into the basin/inlet. This alternative would reduce the amount of fill needed for each lot, but would still provide a stormwater and road system consistent with the subdivision ordinances. Keith Berndt has reviewed the initial concept and supports the variance as long as the road is still constructed with curb and the basins follow the ditch slope and bottom standards. He would also be open to curb alternatives that would reduce the need for stormwater inlets within the curbs. In both cases, the developer will have to demonstrate the alternative designs equal or exceed the mandatory requirements.

Review Agency Comments

Cass County Engineer – Concerns regarding turning movements generated by proposed subdivision. Specifically, feels generated traffic could create a safety concern for left turn movements into subdivision on traffic and southbound through traffic to Oxbow/Hickson.

County Sanitarian - none to date

Township - none to date

Cass Rural Water – none to date

Cass County Electric – none to date

Water Resource District – none to date

U S West - none to date

Public Comment – none to date

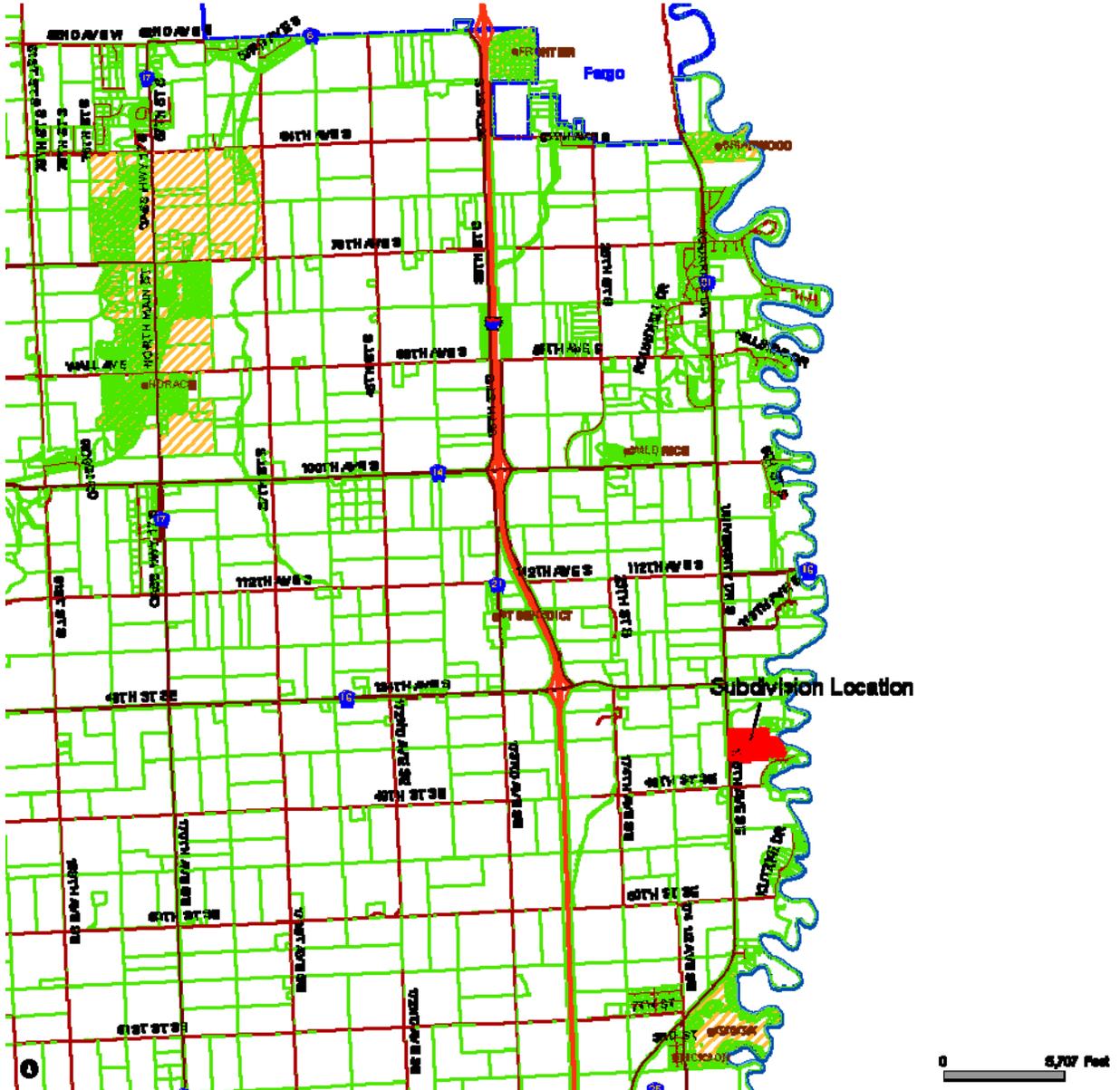
Recommendation

Final plat would need to include all the requirements for final plat, plus the following changes:

1. 616.08 Trail Construction – 15' trail easement adjacent to Red River and CO Hwy 81
2. 602.06 Mid-block pedestrian easements – 10' pedestrian easement required for blocks exceeding 600'
3. 610 Watercourse setbacks – Plat needs to display both minimal (350') and limited (450') disturbance zones.
4. 612 Flood plain – The 100 year and floodway in relation to the proposed lots needs to be

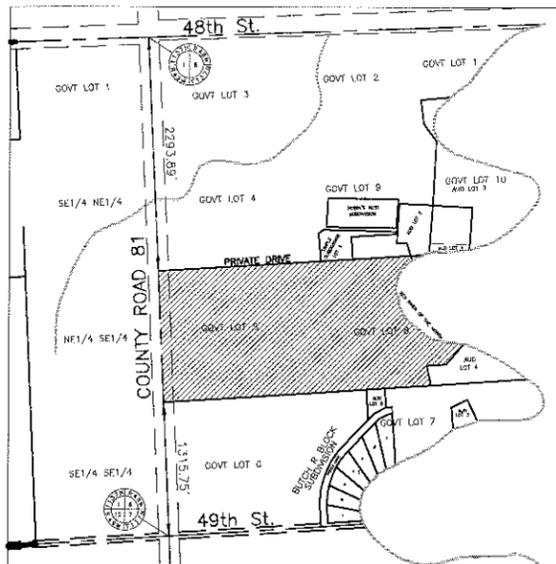
displayed on a supplementary sheet

IMAGES NOT DRAWN TO SCALE-ONLY FOR GENERAL REFERENCE



?PLAT TITLE?

AN UNPLATTED TRACT OF LAND IN THE SOUTHWEST QUARTER, SECTION 6, TOWNSHIP 137 NORTH, RANGE 48 WEST TO THE COUNTY OF CASS, IN THE STATE OF NORTH DAKOTA



VICINITY MAP

NOTE:

ACCORDING TO THE FLOOD INSURANCE RATE MAP ISSUED BY F.E.M.A., THE DESCRIBED PROPERTY BASE FLOOD ELEVATION IS 912.0± FEET (NAVD88). THE CURRENT GROUND ELEVATION RANGES FROM 908.0 ON THE WEST END OF THE PLAT TO 912 ON THE EAST END.

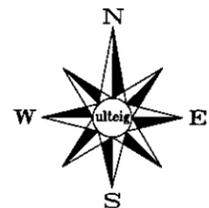
COMMUNITY—PANEL NUMBER 380263 0025 A
EFFECTIVE DATE: FEBRUARY 3, 1982

DISCLAIMER:

BY APPROVING THE SUBDIVISION PLAT, THE CASS COUNTY BOARD OF COMMISSIONERS DOES NOT ASSUME NOR ACCEPT RESPONSIBILITY FOR MAINTENANCE OR OWNERSHIP OF THE ROADS DEPICTED ON THIS PLAT.

LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED PLS#4730
- PROPERTY LINE
- - - SECTION LINE
- - - EASEMENT LINE



SCALE: 1 INCH = 200 FEET
ORIENTATION OF THIS BEARING SYSTEM IS CITY OF FARGO GIS

PREPARED BY



FARGO · BISMARCK · DETROIT LAKES · MINNEAPOLIS · SIOUX FALLS

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That (COMPANY NAME), whose address is Fargo, North Dakota as owner of a tract of land in Section 6, Township 137 North, Range 48 West of the 5th Principal Meridian, Cass County, North Dakota (containing all of Government Lot 5 and a portion of Government Lot 8), more particularly described as follows;

Beginning at the northwest corner of said Government Lot 5, thence North 86 degrees 23 minutes 57 seconds East, along the north line of said Government Lot 5 and said Government Lot 8, a distance of 1912.40 feet; thence South 03 degrees 36 minutes 03 seconds East, a distance of 404.28 feet; thence South 86 degrees 23 minutes 57 seconds West a distance of 17.88 feet; thence South 03 degrees 36 minutes 03 seconds East, a distance of 48.00 feet; thence North 86 degrees 23 minutes 57 seconds East a distance of 425.35 feet to the west bank of the Red River of the North; thence southerly along said west bank to the west line of a parcel described the dead recorded at document #695771 in the office of the Cass County Recorder, thence South 13 degrees 34 minutes 55 seconds East, along said west line, a distance of approximately 557.10 feet to the south line of said Government Lot 8; thence South 86 degrees 14 minutes 34 seconds West along the south line of said Government Lot 8 and said Government Lot 5, a distance of 2647.00 feet to the west line of said Section 6; thence North 2 degrees 40 minutes 14 seconds East, along said west line of Section 6, a distance of 1315.81 feet to the point of beginning.

Said owner has caused the above described tract of land to be surveyed and platted as "?? SUBDIVISION", to the County of Cass, in the State of North Dakota, and do hereby dedicate for public use, all roads and utility easements as shown on this plat.

OWNER: (PROPERTY)
(COMPANY)

By: _____
(OWNERS NAME, TITLE)

State of _____ }
County of _____ } SS

On this _____ day of _____, in the year of 2006, before me personally appeared (OWNERS NAME, TITLE, COMPANY) known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public _____
My commission expires _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

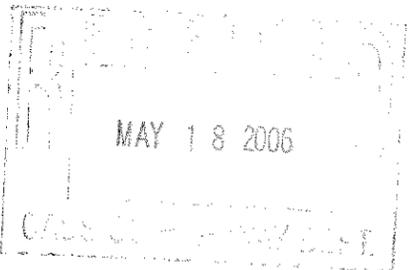
I, James Alber, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

James Alber, Professional Land Surveyor
North Dakota License No.4730

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2006, before me, a notary public with and for said County, personally appeared James Alber, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public _____



COUNTY ENGINEER'S REVIEW

Reviewed by the County Engineer this _____ day of _____, 2005.

County Engineer _____

PLEASANT TOWNSHIP REVIEW

Reviewed by the Pleasant Township, Cass County, North Dakota this _____ day of _____, 2005.

Chairman, Pleasant Township _____

Attest: _____
Clerk

CASS COUNTY PLANNING COMMISSION REVIEW

Reviewed by the Cass County Planning Commission this _____ day of _____, 2005.

Chairman, Cass County Planning Commission _____

Attest: _____

CASS COUNTY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____ 2005.

Chairman, Cass County Commission _____

Attest: _____
Auditor

AUDITOR'S TAX RECORD

Delinquent taxes and special assessments or installments of special assessments paid and transfer entered.

Michael Montplaisir, Cass County Auditor

CASS COUNTY RECORDER

Document No. _____

State of North Dakota }
County of Cass } SS

I hereby certify that the above instrument was filed and recorded in this office on the _____ day of _____, 2006, at _____ o'clock _____ M. and was duly recorded in book _____ of _____, page _____.

Deanna Kensrud, Cass County Recorder



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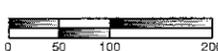
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CASS CO HIGHWAY DEPT.



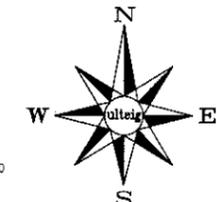
THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF SOIL AND/OR NATIVE VEGETATIVE EXCEPT AS PERMITTED BY CASS COUNTY.
ANY VEGETATIVE BUFFER ZONE SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.



NORWEGIAN LUTHERAN CHURCH CEMETERY



SCALE: 1 INCH = 100 FEET
ORIENTATION OF THIS BEARING SYSTEM IS CITY OF FARGO GIS



AUD LOT 5

PIFFER DRIVE

UNPLATTED "BRANDT"

UNPLATTED

COUNTY HIGHWAY #81
1315.81' N02°40'14"W

BLOCK 1

BLOCK 3

BLOCK 2

RED RIVER OF THE NORTH

pond

pond/park

1
88,391 SF
2.03 AC

2
40,505 SF
0.93 AC

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0.93 AC

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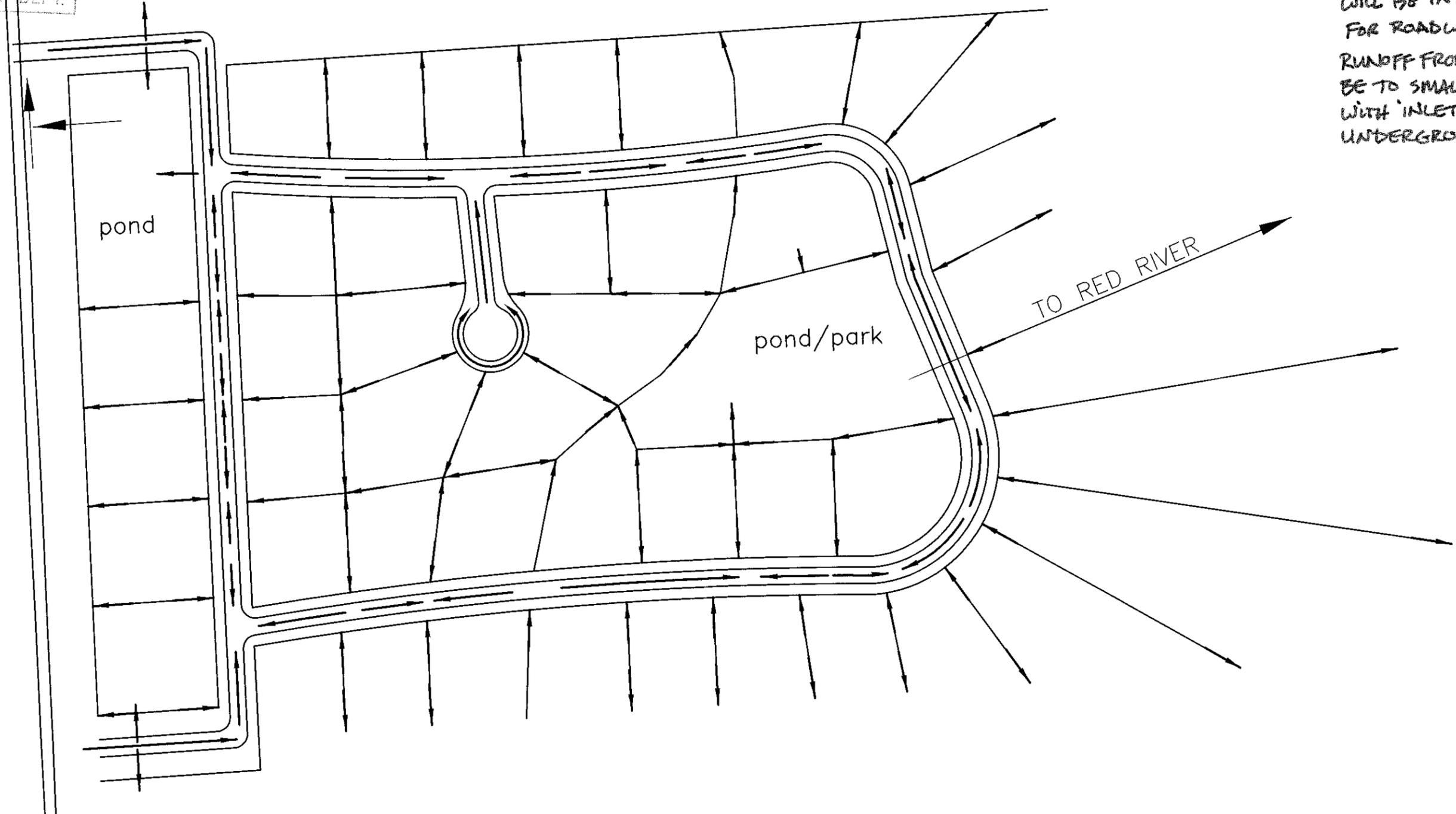
AN UNPLATTED TRACT OF LAND IN THE SOUTHWEST QUARTER, SECTION 6, TOWNSHIP 137 NORTH, RANGE 48 WEST TO THE COUNTY OF CASS, IN THE STATE OF NORTH DAKOTA



DRAFT SURFACE DRAINAGE PLAN

MAY 18 2006
CASS COUNTY HIGHWAY DEPT.

NOTES: CURB & GUTTER (OR AN ACCEPTABLE ALTERNATIVE TO GUTTER) WILL BE INSTALLED FOR ROADWAYS. RUNOFF FROM LOTS WILL BE TO SMALL BASINS WITH INLETS TO THE UNDERGROUND PIPES.



Maple Grove
33 Lots
1.3 acres
setback = 40' approx.
parking both sides

30 Feet



McMahon
100 Lots
1.27 acres
setback = 50' approx.
parking both sides
20 mph

23 Feet



Eid-Co

0.14 acres

**setback = 21' approx.
parking both sides**

31 Feet



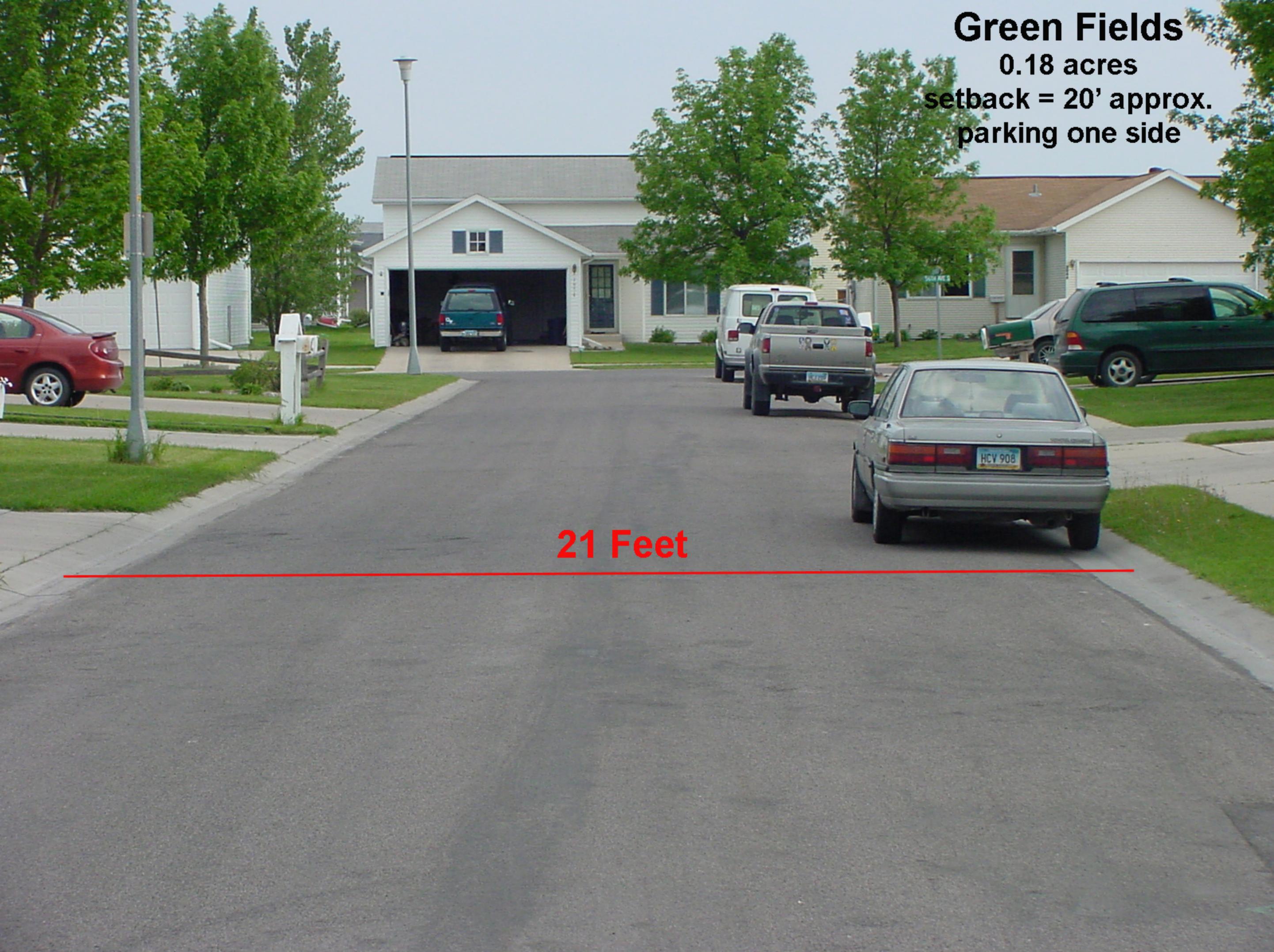
Green Fields

0.18 acres

setback = 20' approx.

parking one side

21 Feet



REGULATION OF STORAGE AND ACCUMULATION OF JUNK, TRASH, RUBBISH,
JUNK AUTOMOBILES, ABANDONED VEHICLES AND BUILDING MATERIALS AND OF
MAINTENANCE OF BLIGHTED STRUCTURES

[Definitions.] The following words or terms when used herein shall be deemed to have the meanings set forth below:

- a) The term "junk" shall include, without limitation, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators, or other appliances, remnants of wood, metal, or any other castoff material of any kind, whether or not the same could be put to any reasonable use.
- b) The term "junk automobiles" shall include, without limitations, any motor vehicle which is not licensed for use upon the highways of the state of North Dakota for a period in excess of sixty days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty days; provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.
- c) The term "abandoned vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of forty-eight continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of forty-eight continuous hours or more after the consent of the owner or occupant has been revoked.
- d) The term "blighted structure" shall include, without limitation, any dwelling, garage, or outbuilding, or any factory, shop, store, warehouse or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.
- e) The term "building materials" shall include, without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws, or any other materials used in constructing any structure.
- f) The term "farm" shall include, without limitations, land over 40 acres in size or buildings for farming or any of the normal

incidents of farming.

g) The term "person" shall include all natural persons, firms, copartnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this regulation, whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.

h) the terms "trash" and "rubbish" shall include any and all forms of debris not herein otherwise classified.

Scope of county authority.--The provisions of this regulation shall in no way prevent townships in the county of Cass, state of North Dakota, from making regulations as provided in sections 58-03-11 through 58-03-15 of the North Dakota Century Code, but such townships may relinquish their powers, or any portion thereof, to enact regulations to the county by resolution of the board of township supervisors. The provisions of this regulation shall not be construed to affect any property, real or personal, located within the regulatory jurisdiction of any municipality of the county of Cass, state of North Dakota, except that any such city by resolution of its governing body may relinquish to the county its authority, or any portion thereof, to enact regulations under chapter 40-47 of the North Dakota Century Code, in which case the property shall be subject to the provisions of this regulation. Additionally, this regulation, or any part thereof, shall not prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming.

Storage of junk, junk automobiles, etc.--Contrary to public health and safety.--It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk automobiles, abandoned vehicles, building materials, and the maintenance of blighted structures upon any private property within the county of Cass, state of North Dakota, tends to result in blighted and deteriorated areas, the increase in criminal activity, the spread of vermin and disease, and is contrary to the public peace, health, safety and general welfare of the county.

Unlawful to store or accumulate junk, junk automobiles, abandoned vehicles or to abandon vehicles.--(a) It shall be unlawful for any person to store, or permit the storage or accumulation of trash, rubbish, junk, junk automobiles or abandoned vehicles on any private property in the county of Cass, state of North Dakota, except within a completely enclosed building or upon the business premises of a duly licensed junk dealer, junk buyer,

dealer in used auto parts, dealer in secondhand goods or junk gatherer.

b) No person shall abandon any vehicle upon a street, highway, alley, or other public roadway.

c) No person shall abandon any vehicle upon any public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

d) For purposes of this section, a vehicle shall be presumed to be abandoned if it is left unattended on a highway, alley, or other public roadway, for a period in excess of forty-eight hours; or on any public or private property without the express or implied consent of the owner or person in lawful possession or control of the property, for a period in excess of four days.

e) Any law enforcement officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle, or cause it to be removed, at the expense of the owner, to the nearest garage or other place of safety.

f) In the event a vehicle is not reclaimed by the registered owner or any lienholder within ninety days, the laws of this state governing the disposition of abandoned property shall apply and the property shall be disposed of in accordance therewith.

Unlawful to dismantle automobile except on business premises.--It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile, whether or not the same be a junk automobile, abandoned vehicle, or otherwise, or any appliance or machinery, except in a completely enclosed building, or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.

Unlawful to maintain blighted structure.--It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the appropriate township or city and unless such construction is completed within a reasonable time.

Unlawful to store building materials except on business premises.--It shall be unlawful for any person to store or permit

the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock in trade of a business located in said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the appropriate township or city, and unless such construction is completed within a reasonable time.

Sheriff Office may remove junk automobiles or abandoned vehicles.--The Sheriff Office may remove or cause to be removed any junk automobile or abandoned vehicle, or parts of either, from any unenclosed private property after having notified, in writing, the owner or occupant of such property of its intention to do so at least forty-eight hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk automobiles or abandoned vehicles, or parts of either, shall be removed to the automobile pound and disposed of in accordance with law. Such removal by the Sheriff Office shall not excuse or relieve any person of the obligation imposed by this regulation to keep his property free from storage or accumulation of junk automobiles or abandoned vehicles, or parts of junk automobiles or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

Nonconforming uses regulated.--a) The lawful use or occupation of land or premises existing at the time of the adoption of this regulation may be continued, although such use or occupation does not conform to the provisions thereof, for a period of one year, after which the use or occupation shall be a conforming use or occupancy. However, an extension of time may be granted for nonconforming uses if the circumstances of a particular case make it unreasonable for the nonconforming use to become conforming within the period of time mandated by this regulation.

[Separability.]--This regulation and the various parts, sections and clauses thereof, are hereby declared to be severable. If any part, section, paragraph, sentence, clause, phrase or word is judged unconstitutional, or invalid, by any court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this regulation.

Remedies for Violations.--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 this regulation, 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 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.
4. To prevent any illegal act, conduct, business, or use in or about such premises.

Adopted this 14th day of June, 1988.

Don Eckert
Don Eckert, Chairman

Attest: Ordelle Brua
Ordelle Brua, County Auditor

ARTICLE I

ADOPTION, AUTHORITY AND JURISDICTION

SECTION 101 Adoption, Authority and Repealer.

101.01 The Board of County Commissioners of Cass County hereby enacts and ordains the following ordinance governing the storage and accumulation of junk, trash, rubbish, junk vehicles, abandoned vehicles and building materials and the abatement of dangerous or blighted buildings or structures within the county of Cass, North Dakota.

101.02 All provisions of the Cass County Regulation of Storage and Accumulation of Junk, Trash, Rubbish, Junk Vehicles, Abandoned Vehicles and Building Materials and of Maintenance of Blighted Structures of 1988 are hereby repealed and the provisions of this Ordinance shall substitute for the former.

101.03 The legislature of the State of North Dakota has in North Dakota Century Code Chapters 40-47, 11-33 and 58-03 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. In addition to powers granted to counties under the constitution and the laws of the State of North Dakota, Cass County has among its enumerated Home Rules powers the authority:

- A. Provide for adoption, amendment, repeal initiations, referral, enforcement and penalties for violation of ordinances, resolutions and regulations to carry its governmental and proprietary powers and to provide for public health, safety and welfare; and
- B. Provide for zoning, planning and subdivision of public or private property within the County limits. Therefore, the County Commission of Cass County, North Dakota does ordain as follows:

SECTION 102 Jurisdiction.

102.01 This Ordinance shall apply to all unincorporated areas of the county of Cass, state of North Dakota. Additionally, this Ordinance or any part thereof, shall not prohibit or prevent the use of land or buildings for agriculture operation or any of the normal incidents of agriculture operations.

SECTION 103 Title.

This Ordinance shall be known and may be cited as the "Cass County Junk and Abatement of Dangerous and Blighted Structures Ordinance."

SECTION 104 Purpose.

This Ordinance is enacted for the following purposes:
Contrary to public health and safety, it is hereby determined the storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles and building materials upon any private property within the county of

Cass, state of North Dakota, tends to result in blighted and deteriorated areas, the increase in criminal activity, the spread of vermin and disease, a threat to the natural environment and property values and is contrary to the public peace, health, safety and general welfare of the county. Contrary to public health and safety the maintenance or ownership of buildings or structures within the county of Cass, state of North Dakota, which from any cause endanger the life, health, safety and welfare of the general public tends to result in blighted and deteriorated areas, the increase in criminal activity, the spread of vermin and disease, a threat to the natural environment and property values and is contrary to the public peace, health, safety and general welfare of the county.

SECTION 105

Applicability.

Any person, partnership, corporation, or limited liability company who or which being the owner or agent of any lot, tract or parcel of land shall conform to this Ordinance.

SECTION 106

Administration.

The "Cass County Junk and Abatement of Dangerous and Blighted Structures Ordinance" shall be administered and enforced by the Cass County Highway Department with assistance of Fargo-Cass Public Health, the Cass County Sheriffs Office, County authorized representatives and other County departments as deemed necessary.

SECTION 107

Severability.

If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 108

Conflict.

The provisions in this Ordinance shall not be construed to prevent the enforcement of other statues, codes ordinances or regulations which prescribe standards other that are provided in this Ordinance.

Whenever there is a difference between the minimum applicable standard specified herein and those included in any other lawfully adopted rules, regulations or ordinances of the Federal Government, State of North Dakota or Cass County or the townships in Cass County, the most restrictive or that which imposes the higher standards shall govern.

ARTICLE II

DEFINITIONS

SECTION 201

General.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated below.

SECTION 202

General Terms.

In this Ordinance the following rules of interpretation shall be used:

Words used in the singular imply the plural and words used in the plural imply the singular.

The male includes the female and neuter genders.

The word "person" indicates a corporation, an unincorporated association, a partnership, estate or any other legally recognized entity, as well as an individual.

The word "lot" includes the word "plot" or "parcel".

The word "buildings" includes "structures" and shall be construed as if followed by the words "or a part thereof".

The word "may" is directory; the words "shall" and "will" are mandatory.

Words in the present tense may imply the future tense.

Terms not specifically defined in this Ordinance have the meaning commonly associated in conversation and/or in similar ordinances.

SECTION 203

Specific Terms.

Other terms or words used herein shall be interpreted or defined as follows:

Abandoned Vehicle. Is a motor vehicle that has remained for a period of more than forty-eight (48) hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight hours (48) on private property without consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building.

Agricultural Land. Land used exclusively for the cultivation of the soil, the production of crops or livestock or the science of forestry; also, land diverted from agricultural use by an active Federal farm program, provided the diverted land has a conservation cover of grass, legume, trees or wildlife shrubs.

Agricultural Operation. The science and art of producing plants and animals useful to people, by a corporation or limited liability company, a partnership or a proprietorship and includes the preparation of these products for people's use and the disposal of these products by marketing or other means. The term includes livestock auction markets and horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee and any and all forms of farm products and farm production.

Antique Motor Vehicle. A vehicle that is at least forty (40) years old.

Blighted Structure. Includes, without limitation, any dwelling, mobile home, garage or outbuilding or any factory, shop, office building,

warehouse, dangerous structure or any other structure or part of a structure which for whatever reason is no longer useful for the purpose for which it may have been intended, whether or not the same could be put to any reasonable use or whether or not the same has any value or not.

Building Materials. Includes, without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or other materials used in constructing any structure, whether or not the same could be put to any reasonable use or whether or not the same has any value or not.

Collector. The owner of one or more special interest vehicles who collects, purchases, acquires, trades or disposes of special interest vehicles or parts thereof for the person's own use in order to restore, preserve and maintain a special interest vehicle or antique motor vehicle.

Decay. A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten.

Dilapidated. Decayed or rotten beyond repair.

Enclosed Building. A structure with at least four (4) walls and is totally enclosed when all doors are closed.

Highway. Is a general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way (ROW). A highway in a rural area may be called a "road", while a highway in an urban area may be called a "street".

Industrial Waste. Solid waste, which is not a hazardous waste regulated under [Chapter 23-20.3 of the North Dakota Century Code](#), generated from the combustion or gasification of municipal waste and from industrial and manufacturing processes. The term does not include municipal waste or special waste.

Inert Waste. Includes construction and demolition material such as metal, wood, bricks, masonry and cement concrete, asphalt concrete, tires, tree branches, yard and garden trimmings, bottom ash from coal fired boilers and waste coal fines from air pollution control equipment, whether or not the same could be put to any reasonable use or whether or not the same has any value or not. Inert wastes are those types of bulky wastes that normally do not pose significant hazards of environmental degradation. Inert waste will not generally contaminate water or form a contaminated leachate and does not serve as food for vectors.

Infectious Waste. Solid waste matter that may contain pathogens with significant virulence and in sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease, whether or not the same could

be put to any reasonable use or whether or not the same has any value or not.

Inoperable Agricultural Equipment. Agricultural equipment which cannot be readily used, including, but not limited to, machinery and equipment kept for parts.

Junk. Includes, without limitations, parts of machinery or motor vehicles, abandoned and junk vehicles, industrial, inert and infectious waste, inoperable agricultural equipment, major appliances, unused furniture, litter, rubbish, building materials, remnants of wood, metal or any other castoff material of any kind, whether or not the same could be put to any reasonable use or whether or not the same has any value or not.

Junk Vehicles. Includes, without limitations, any motor vehicle which is not licensed for use upon the highways of the state of North Dakota for a period in excess of sixty (60) days and shall also include, whether licensed or not, any motor vehicle which inoperative for any reason for a period in excess of sixty (60) days; provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used vehicle dealer.

Junk Yard. Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of vehicles or other vehicles, provided further that the storage of three (3) or more inoperative motor vehicles for a period of three (3) or more months shall also be considered a junk yard.

Litter. Rubbish, refuse, waste material, offal, paper, glass, cans, bottles, trash, debris, animal and vegetable matter, ashes or any foreign substances of whatever kind of description.

Major Appliance. Air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator, stove, furnace, water heater, humidifier, dehumidifier, garbage disposal, trash compactor or other similar appliance, whether or not the same could be put to any reasonable use or whether or not the same has any value or not.

Motor Vehicle. Every vehicle that is self-propelled, every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and, for purposes of motor vehicle registration, title registration, and operator's licenses, motorized bicycles.

Parts Car. A motor vehicle generally in nonoperable condition which is owned by the collector to furnish parts to restore, preserve and maintain a special interest vehicle or antique vehicle.

Public View. Visible from any public right-of-way or neighboring property.

Road. [see Highway.](#)

Rubbish. Combustible and non-combustible materials, except garbage, including the residue from burning of wood, coke and other combustible materials, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, glass, crockery and dust, whether or not the same could be put to any reasonable use or whether or not the same has any value or not.

Special Interest Vehicle. A vehicle that has an appreciating value because of rarity originality or limited production of an anniversary edition.

Street. [see Highway.](#)

Trash. [see Junk.](#)

Vehicle. Includes every device in, upon or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

ARTICLE III

JUNK, JUNK AND ABANDONED VEHICLES AND INOPERABLE AGRICULTURAL EQUIPMENT

SECTION 301

Junk, Junk and Abandoned Vehicles and Inoperable Agricultural Equipment. Contrary to public health and safety, it is hereby determined that the storage of accumulation of junk, junk vehicles, abandoned vehicles and inoperable agricultural equipment, whether or not the same could be put to any reasonable use or whether or not the same has any value or not, upon any private property within the county of Cass, state of North Dakota, tends to result in blighted and deteriorated areas, the increase in criminal activity, the spread of vermin and disease, a threat to the natural environment and property values and is contrary to the public peace, health, safety and general welfare of the county.

301.01 It shall be unlawful for any person to store or permit the storage or accumulation of junk, junk vehicles, abandoned vehicles and inoperable agricultural equipment on any private property in the county of Cass, state of North Dakota, except within a completely enclosed building or properly screened property or upon the business premises of a duly licensed junk dealer, junk yard, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.

301.02 Readily usable agricultural equipment shall be exempt from this Ordinance; however inoperative agricultural equipment shall be properly screened.

- 301.03** A collector may store unlicensed, operable or inoperable, vehicles and parts cars on the collector's property provided the vehicles and parts cars and the outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, trees, shrubbery or other appropriate means.
- 301.04** No person shall abandon any vehicle upon a street, highway, alley or other public roadway or public right-of-way (ROW).
- 301.05** No person shall abandon any vehicle upon any public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.
- 301.06** For purposes of this section, a vehicle shall be presumed abandoned if it is left unattended on a street, highway, alley or other public roadway or public right-of-way (ROW) or other public or private property without the express or implied consent of the owner or person in lawful possession or control of the property, for a period in excess of forty-eight (48) hours.
- 301.07** Any law enforcement officer who has reasonable grounds to believe a vehicle has been abandoned may remove the vehicle or cause it to be removed, at the expense of the owner, to the nearest garage or other place of safety.
- A. When an abandoned motor vehicle is taken into custody the Sheriffs Office shall give notice of the taking within ten (10) days. The notice must set forth the date and place of the taking, the year, make, model, and serial number of the abandoned motor vehicle and the place where the vehicle is being held, must inform the owner and any lienholders or secured parties of their right to reclaim the vehicle under section [39-26-07 of the ND Century Code](#), and must state that failure of the owner or lienholders or secured parties to exercise their right to reclaim the vehicle is deemed a waiver by them of all right, title, and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to section [39-26-08 of the ND Century Code](#).
- B. The notice must be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lienholders or secured parties of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice must be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned. Published notices may be grouped together for convenience and economy.
- 301.08** It shall be unlawful for any person to dismantle, cut up, remove parts from or otherwise disassemble any vehicle, whether or not the same be a junk vehicle, abandoned vehicle or otherwise or any appliance or machinery, except in a completely enclosed building, properly screened property or

upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.

301.09 It shall be unlawful for any person to store or permit the storage of accumulation of building materials on any private property, except in a completely enclosed building, properly screened property or except where such building materials are part of the stock in trade of a business located in said property or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the appropriate township or city and unless such construction is completed within a reasonable time.

ARTICLE IV

BLIGHTED AND DANGEROUS STRUCTURES

SECTION 401 **Blighted Structures.** Contrary to public health and safety, it is hereby determined that the maintenance and ownership of blighted structures, whether or not the same could be put to any reasonable use or whether or not the same has any value or not, upon any private property within the county of Cass, state of North Dakota, tends to result in blighted and deteriorated areas, the increase in criminal activity, the spread of vermin and disease, a threat to the natural environment and property values and is contrary to the public peace, health, safety and general welfare of the county.

The provisions of this Ordinance shall apply to all buildings, as herein defined with the exception of churches or other buildings currently or in the process of being listed on the Historical Register, which are now in existence or which may hereafter become dangerous in this jurisdiction.

401.01 It shall be unlawful for any persons to keep or maintain any blighted structure, dwelling, mobile home, garage or outbuilding or any factory, shop, office building, or warehouse unless the same is kept securely protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the appropriate township or city and unless such construction is completed within a reasonable time.

401.02 It shall be unlawful for any persons to keep or maintain any dangerous structure which from any cause endangers the life, health, safety and welfare of the general public and may be required to be repaired, vacated or demolished, whether or not the same could be put to any reasonable use or whether or not the same has any value or not.

A. A dangerous building shall be defined as any building or structure, including mobile and manufactured housing, which has any or all of the following conditions or defects to the extent that the life, health, property or safety of the public or its occupants are endangered.

- (1) Whenever any portion or member or appurtenance thereof is likely to fail or to become detached or dislodged or to collapse and thereby injure persons or damage property.
- (2) Whenever any portion thereof has been wrecked (such as broken doors, broken windows or leaking roofs), warped or settled to such an extent that walls or other structural portions are structurally deteriorated so as to be unsafe.
- (3) Whenever the building or structure or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iii) the deterioration, decay or inadequacy of its foundation; or (iv) any other cause, is likely to partially or completely collapse.
- (4) Any structure, for any reason, is unable to provide shelter or serve the purpose for which it was constructed or the building or structure or any portion thereof, is obviously unsafe for the purpose for which it is being used.
- (5) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle third of the base.
- (6) Whenever the building or structure, exclusive of the foundation, shows fifty (50) percent or more damage or deterioration of its supporting members or fifty (50) percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
- (7) Whenever the building or structure has been so damaged by fire, wind or flood or has become so dilapidated or deteriorated as to become a public nuisance as defined by the North Dakota Century Code.
- (8) Whenever a building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage or other cause, is determined by a Public Health Department official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (9) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electric wiring, gas connections, heating apparatus or other cause, is determined by the fire marshal to be a fire hazard.

ARTICLE V

COMPLAINTS

SECTION 501

Complaints.

- 501.01** All complaints shall be in writing and signed. The complaint shall indicate the location and nature of the violation.
- 501.02** A fee of one hundred (100) dollars shall be remitted with each citizen complaint. Fees shall not apply to complaints issued by any government agency or entity.
- 501.03** All complaints shall be submitted to the Cass County Highway Department.
- 501.04** A copy of the complaint, inspection report and action to be taken shall be sent to the Board of Supervisors in the applicable township.

ARTICLE VI

NOTIFICATION AND INSPECTION

SECTION 601

Notification and Inspection.

- 601.01** **Notification.** The Cass County Highway Department staff shall, by certified mail, serve on said property owner and occupant notice of a filed complaint which is contrary to or in violation of the Cass County Junk and Abatement of Dangerous and Blighted Structures Ordinance for said property.
- 601.02** **Inspection.** When it is necessary to make an inspection to enforce the provisions of this code or when Cass County Highway Department staff with assistance of Fargo-Cass Public Health, the Cass County Sheriffs Office, County authorized representatives or other County departments has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Ordinance which makes the building or premises unsafe, dangerous or hazardous, they may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if such building or premises be occupied that credentials be presented to the occupant and reasonable entry requested. If such building or premises be unoccupied, the Highway Department staff or Fargo-Cass Public Health Department staff or their authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

ARTICLE VII

ENFORCEMENT

SECTION 701

Enforcement.

701.01

The Cass County Highway Department staff shall issue a notice and order directed to the record owner of the property and/or building and all other persons having an interest in said building, structure or property as shown by the land records of Cass County Recorders Office. The order shall contain the following:

- A. The street address and/or a legal description sufficient for identification of the premises upon which the property or structure is located.
- B. A statement that Cass County Highway Department with assistance of Fargo-Cass Public Health, the Cass County Sheriffs Office, County authorized representatives and/or other County departments has found the property and or building is contrary or in violation of the Ordinance with a brief and concise description of the conditions found to render the property in violation and/or the building dangerous or blighted under the provisions of this Ordinance.
- C. A statement of the action required to be taken as determined by the Cass County Highway Department with assistance of Fargo-Cass Public Health, the Cass County Sheriffs Office, County authorized representatives and/or other County departments and that the action be taken within sixty (60) days.
- D. A statement advising that any person having any record title or legal interest in the property and/or building may first appeal the notice and order or any action of the Highway Department staff to the Cass County Planning Commission and may appeal the Cass County Planning Commission's decision to the Cass County Commission, provided the appeal is made in writing and filed with the Highway Department staff within thirty (30) days from the date of service of such notice and order; and that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

701.02

The notice and order and any amended notice and order shall be served upon the record owner and all other persons having an interest in said property, building or structure as shown by the land records of the Cass County Recorders Office personally or by certified mail. If no address of any such person is known, a copy of the notice and order shall be mailed to such person at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this ordinance.

ARTICLE VIII

SCREENING REQUIREMENTS

SECTION 801 Screening Requirements.

801.01 Screens used for junk, junk vehicles and inoperable agricultural equipment that is collected, stored or located shall comply with the following requirements:

- A. Junk, junk vehicles and inoperable agricultural equipment shall not exceed the height of the sight-obscuring screen.
- B. Any junk, junk vehicles and inoperable agricultural equipment that is screened shall not be visible from any public roadway or adjacent property.
- C. Sight-obscuring screens may be composed of living or inanimate materials as follows:
 - (1) Dense shrubs and/or dense trees may be planted to provide a sight-obscuring screen. The shrubs and/or trees shall be the type that will provide a year-round screen and shall be at least six (6) feet tall or of a height greater than the tallest item of junk being stored (whichever is greater) or reach that height within a period of five (5) years of being planted. A temporary sight obscuring fence shall be used until the plants are of sufficient height and maturity.
 - (2) A solid or otherwise sight-obscuring fence or wall may be built. It shall be at least six (6) feet in height to a maximum of eight (8) feet. Any fencing materials shall be approved by the Cass County Highway Department and must be a neutral color and treated to protect the surface from weathering.

ARTICLE IX

REPAIRS AND DEMOLITION

SECTION 901 Repairs and Demolition.

901.01 All properties, blighted structures and/or dangerous structures or portion thereof which are determined after inspection by the Cass County Highway Department with assistance of Fargo-Cass Public Health, the Cass County Sheriffs Office, County authorized representatives and/or other County departments to be in violation of the Cass County Junk and Abatement of Dangerous and Blighted Structures Ordinance, shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified. All repairs of structures shall be done in

accordance with the North Dakota State Building Code or the building shall be demolished. The demolition of buildings shall include the demolition of septic systems and potable water supply as approved by Fargo-Cass Public Health.

901.02 If it is determined by the Cass County Highway Department with assistance of Fargo-Cass Public Health, the Cass County Sheriffs Office, County authorized representatives and/or other County departments that the welfare of the general public is in immediate danger, efforts shall be made immediately to contact the owner by certified mail to secure the building. If such efforts are unsuccessful or no action is taken by the owner within thirty (30) days after the date of service, the building may be secured by Cass County or their representatives.

ARTICLE X

PENALTIES

SECTION 1001 **Penalties.** If a plan of action is not approved within sixty (60) days of service, the Cass County Commission may direct a designee to abate the violation without liability for such action. The actual expense shall be billed to the landowner, if the landowner has not paid the bill within ninety (90) days the charges shall be collected in the same matter as other real estate taxes are collected and placed to the credit of the respective subdivisions entitled thereto.

Abating Nuisances . . .

What everyone wants to do,
but no one does.

Why Don't We Get it Done?

- Fear we'll do it wrong.
 - Worse yet, we'll get people mad at us, and then do it wrong.
 - We'll bankrupt the city/county defending a lawsuit that we started.
 - It won't be very popular at the coffee shop.
-

The motivation is there!



It can be done!

- Most abatements (>90%) never go to court.
 - Informal hearings and processes keep costs to the jurisdiction down.
-

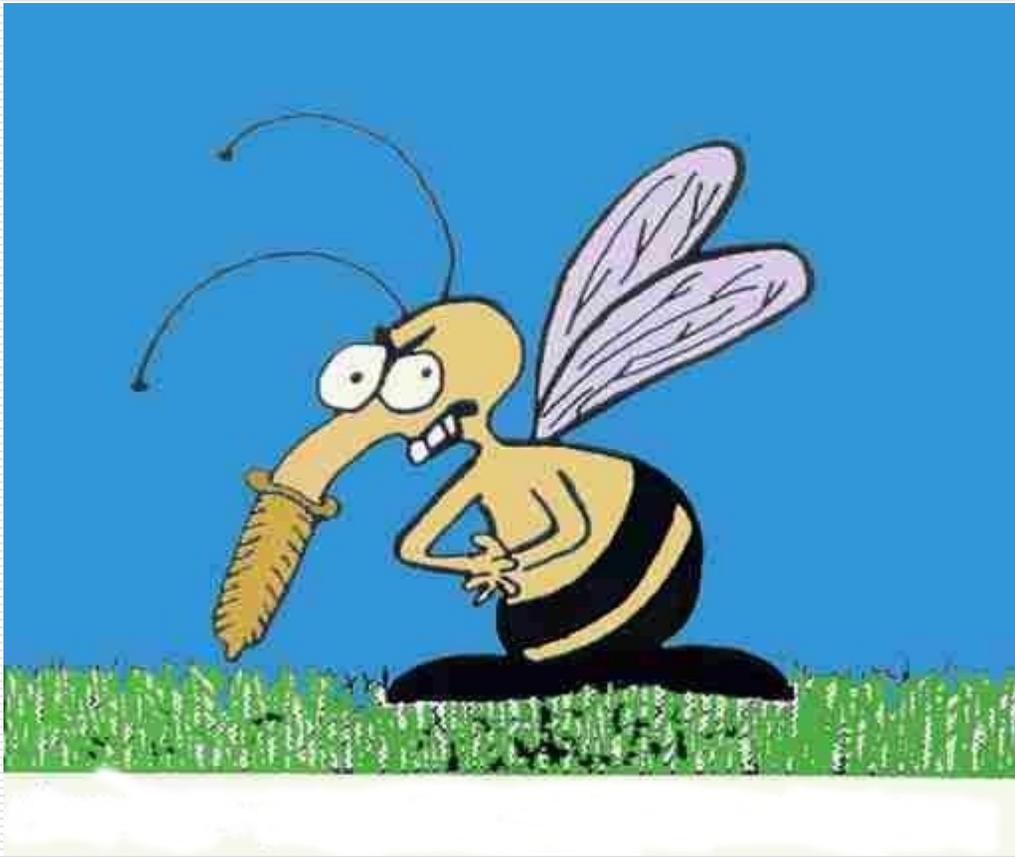
Junk



Derelict Buildings



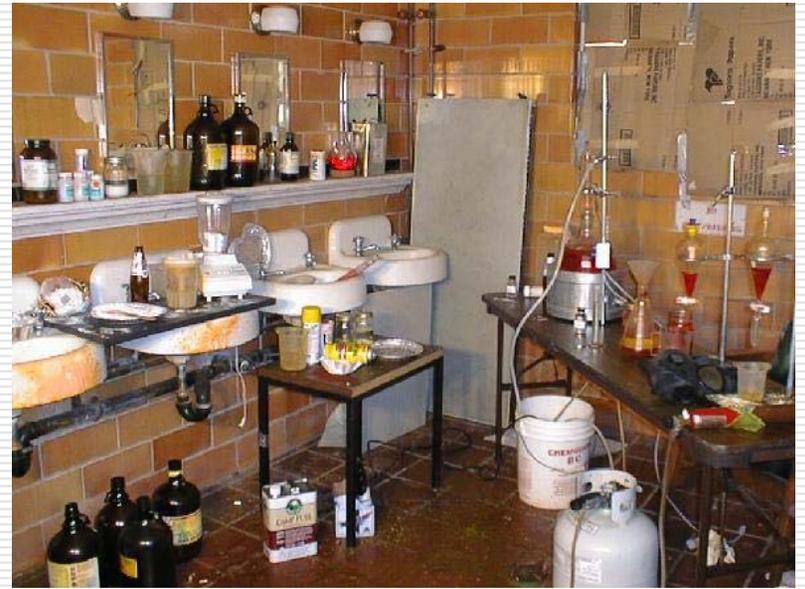
Public Health -Mosquitoes & Vermin



Criminal Activity



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Cass County



Current Regulation

- Adopted in 1988
 - (prior to Home Rule Charter)
 - Regulates junk and blighted structures
 - Lacks proper enforcement element
-

Proposed Ordinance

- ❑ Based on GF County's Junk Ordinance
 - ❑ Ordinance would be complaint driven
 - ❑ Only apply to unincorporated areas
 - ❑ Regulates junk, junk cars, blighted structures
 - Results in blighted property, criminal activity, disease & vermin, threat to property values and natural environment
-

Administration and Procedure

- Administered by Highway Department
 - Assistance from Fargo-Cass Public Health & Sheriffs Office
 - 1. Complaint
 - Free for government entities, \$100 citizen
 - 2. Notification & Inspection
 - 3. Enforcement – mitigation of problem
 - 4. Penalties – no action, problem abated by county, property owner billed or costs placed on taxes
 - 5. Appeals – Planning and County Commission
-

Next step?

- Planning Commission opinion?
 - Work with Fargo-Cass Public Health, Sheriffs, States Attorney
 - Draft Ordinance reviewed by Planning Commission
 - Recommendation to County Commission
-