

**CASS COUNTY PLANNING COMMISSION
AGENDA FOR JANUARY 25, 2007**

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

1. Call to Order
Establish Quorum of Members
Approve September 28, 2006 Minutes
2. Appoint Planning Commissioner to Road Advisory Group
[Action]
3. Oxbow Lift Station No. 2 – Final Plat
Minor Subdivision
[Public Hearing]
[Action]
4. Update on South Side Flood Control Project – Keith Berndt
[Information]
5. Junk Ordinance
[Information]
6. Adjournment

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
SEPTEMBER 28, 2006**

1. MEETING TO ORDER

The meeting was called to order on September 28, 2006, at 7:20 AM in the Highway Department Conference Room with members present as follows: Ken Lougheed, Keith Monson, Todd Ellig, Mark Johnson and Robyn Sorum via conference call. Chad Peterson, Lou Bennett, Linda Coates and Kent Jensen were absent. Also present were County Planner, Mike Zimney and County Engineer, Keith Berndt.

2. MINUTES APPROVED

MOTION, passed

Mr. Johnson moved and Mr. Ellig seconded that minutes from the August 24, 2006, meeting be approved as written. Motion carried.

3. TURNER SUBDIVISION, Final plat approved with conditions

The plat of Turner Subdivision is located in the SW ¼ of Section 36 in Leonard Township. The plat is approximately 9.3 acres and was submitted for review by Brad Turner. The purpose of the subdivision is to plat one residential lot located along State Highway 46, approximately two miles east of the Leonard intersection. Wilma Heuer, property owner of the land to the west of the subdivision, was present.

Mr. Zimney said this is a minor subdivision and will divide one lot for residential purposes and will use an on-site sewer system and Cass Rural Water Users. The proposed access utilizes an existing farm approach that will need approval from the North Dakota Department of Transportation. The plat meets the county's density restriction of one lot per 40 acres and requires the balance of the 40 acres to be deed restricted.

Mr. Lougheed opened the public hearing for comments, and hearing none, closed the public hearing.

Mrs. Heuer was concerned the one lot will lead to the addition of more lots in the future. Mr. Zimney said any development would need to follow county density requirements and would need planning commission approval.

MOTION, passed

Mr. Monson moved and Mr. Ellig seconded to approve the final plat of Turner Subdivision subject to including all the requirements needed for a final plat and subject to the following conditions: 1) meet requests of planning commission and review agencies; 2) receive certified letter from the township approving the zoning; 3) include a copy of the water agreement with Cass Rural Water Users; 4) obtain soil tests for on-site septic system and approval by the county sanitarian; 5) provide 10' utility easement on the south side of the lot; 6) provide copy of Title Opinion;

7) provide completed and signed Appendixes 12 and 14; 8) provide completed applications and \$85 plat review fee; 9) provide description of the 30.70 acre deed restricted area for balance of quarter-quarter section. Motion carried unanimously.

4. ADJOURNMENT

MOTION, passed

On motion by Mr. Ellig, seconded by Mr. Johnson, and all voting in favor, the meeting was adjourned at 7:35 AM.

Minutes prepared by Heather Worden, Administrative Assistant

Final Plat Review Report – Oxbow Life Station No. 2 Subdivision

An application for subdivision approval of a tract of land located in NW ¼ of Section 31 in Stanley Township was filed in the Cass County Planning Office by City of Fargo. The purpose of the subdivision is to plat an existing underground lift station that was part of the Oxbow force-main sewer line. The lot is approximately 0.379 acres.

Analysis

The proposed lot is approximately 0.379 acres and would be divided into one lot, to plat land part of a public utility improvement. The proposed plat is at the intersection of County Road 16 (112th Ave S) and County Road 81, approximately four miles south of Fargo. The underground lift station has already been constructed and only a limited amount of the structure is above ground (see attached picture)

Comprehensive Plan Consistency: Not applicable

Design standards not met include:

- Change “112th AVE. S/ CASS CO. HWY.16” to “112th AVE. S/ CASS CO. HWY. ROW”

Review Agency Comments

Cass County Engineer – County Engineer has reviewed and had no comments or exceptions subject to meeting the items discussed in the report

County Sanitarian – N/A

Township - none to date

Cass Rural Water – none to date

Cass County Electric – none to date

Water Resource District – N/A

U S West - none to date

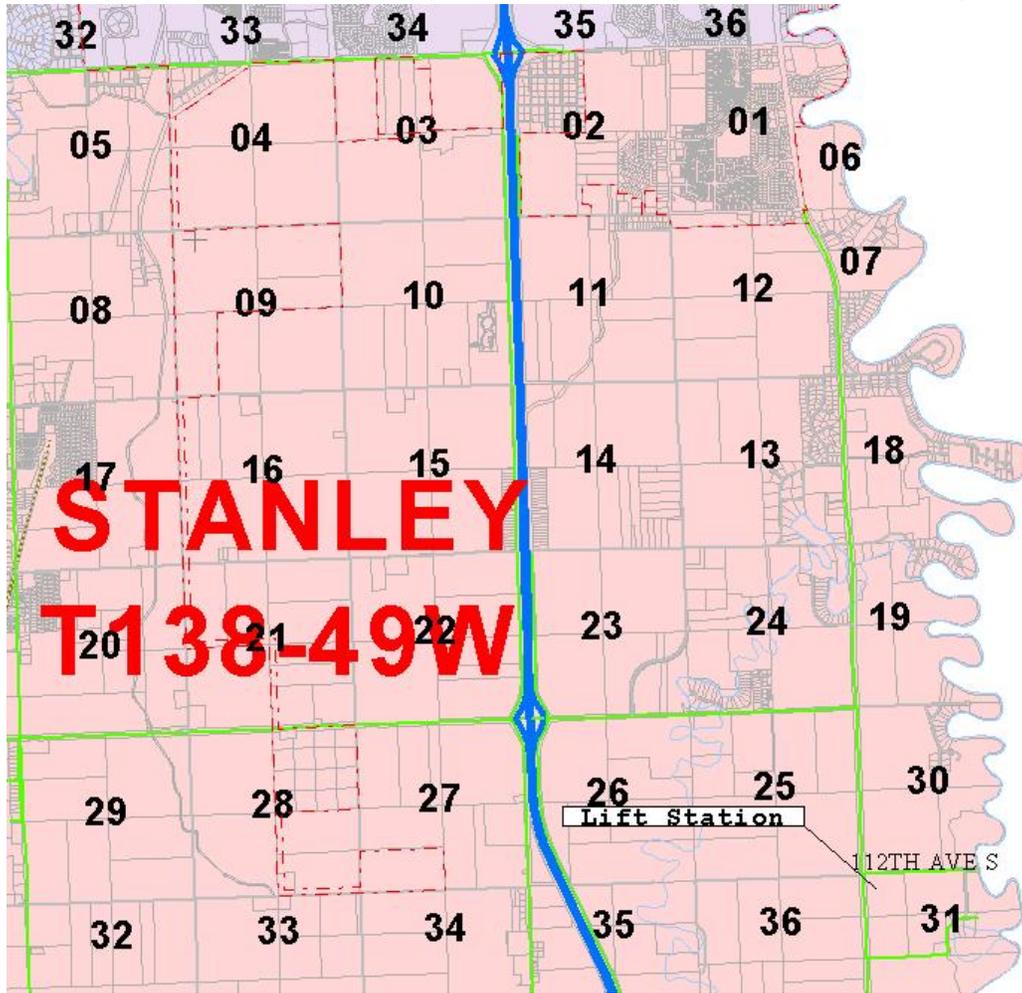
Public Comment – none to date

Recommendation

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

1. Plat adjusted to meet requests of Planning Commission and review agencies.
2. Certified letter from Township approving zoning

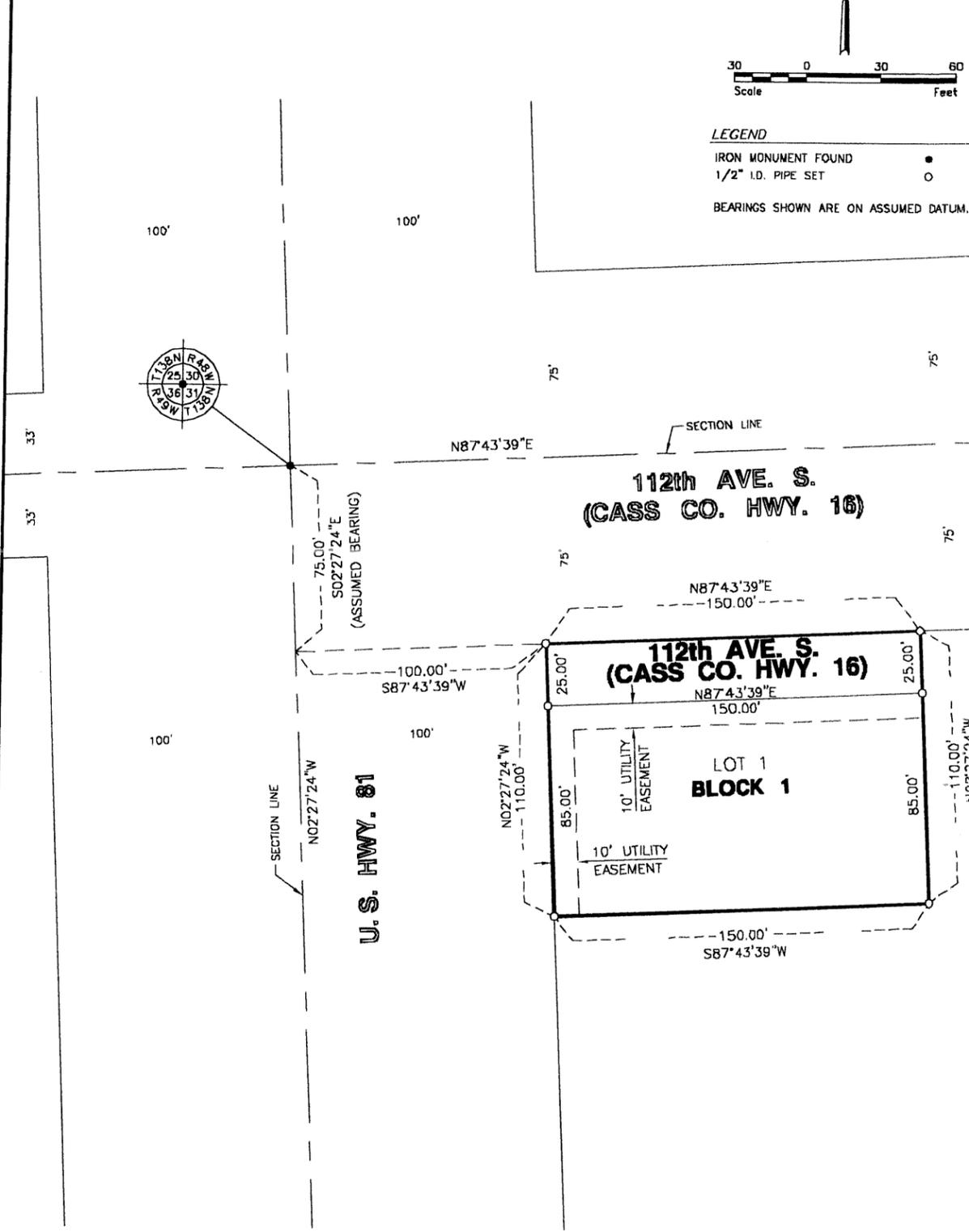
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OXBOW LIFT STATION NO. 2

BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 31, T. 138 N., R. 48 W., 5th P.M. CASS COUNTY, NORTH DAKOTA



OWNERS' CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS: JOHN K. LESETH AND ELSINE M. LESETH, HUSBAND AND WIFE, ARE THE OWNERS AND PROPRIETORS OF THAT PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 138 NORTH, RANGE 48 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

THE SOUTH 110 FEET OF THE NORTH 185 FEET OF THE EAST 150 FEET OF THE WEST 250 FEET.

SAID TRACT OF LAND CONTAINS 0.379 ACRES, MORE OR LESS.

AND THAT SAID PARTIES HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS **OXBOW LIFT STATION NO. 2** AND DO HEREBY DEDICATE AND CONVEY TO THE PUBLIC FOR PUBLIC USE, THE PUBLIC ROAD AND UTILITY EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES OVER, UNDER, AND ALONG THE STRIPS MARKED "UTILITY EASEMENT".

OWNERS:

JOHN K. LESETH
 ELSINE M. LESETH

STATE OF NORTH DAKOTA)
) SS
 COUNTY OF CASS)

ON THIS ____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN K. LESETH AND ELSINE M. LESETH, HUSBAND AND WIFE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

STATE OF NORTH DAKOTA)
) SS
 COUNTY OF CASS)

ON THIS ____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROGER C. HAGEN, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC: _____

STANLEY TOWNSHIP :

REVIEWED BY STANLEY TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS ____ DAY OF _____, 20____.

CHAIRMAN _____

ATTEST: _____
 CLERK

CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL :

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS ____ DAY OF _____, 20____.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS _____

ATTEST: _____
 MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

COUNTY RECORDER'S CERTIFICATE :

DOCUMENT NO. _____

STATE OF NORTH DAKOTA)
) SS
 COUNTY OF CASS)

I HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS FILED AND RECORDED IN THIS

OFFICE ON THE ____ DAY OF _____, 20____, AT ____ O'CLOCK ____ M.

AND WAS DULY RECORDED IN BOOK _____ OF _____, PAGE _____.

JEWEL A. SPIES, CASS COUNTY RECORDER

SURVEYOR'S CERTIFICATE:

I, ROGER C. HAGEN, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY ON THIS ____ DAY OF _____, 20____, THAT THE PLAT HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF, THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT IN FEET AND DECIMALS OF A FOOT, AND THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN PLACED IN THE GROUND AS SHOWN.

ROGER C. HAGEN
 NORTH DAKOTA REGISTRATION NO. 1766

CASS COUNTY ENGINEER:

REVIEWED BY THE CASS COUNTY ENGINEER THIS ____ DAY OF _____, 20____.

KEITH BERNDT, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION:

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS ____ DAY OF _____, 20____.

CHAIRMAN _____

ATTEST: _____
 SECRETARY

AUDITOR'S TAX RECORD:

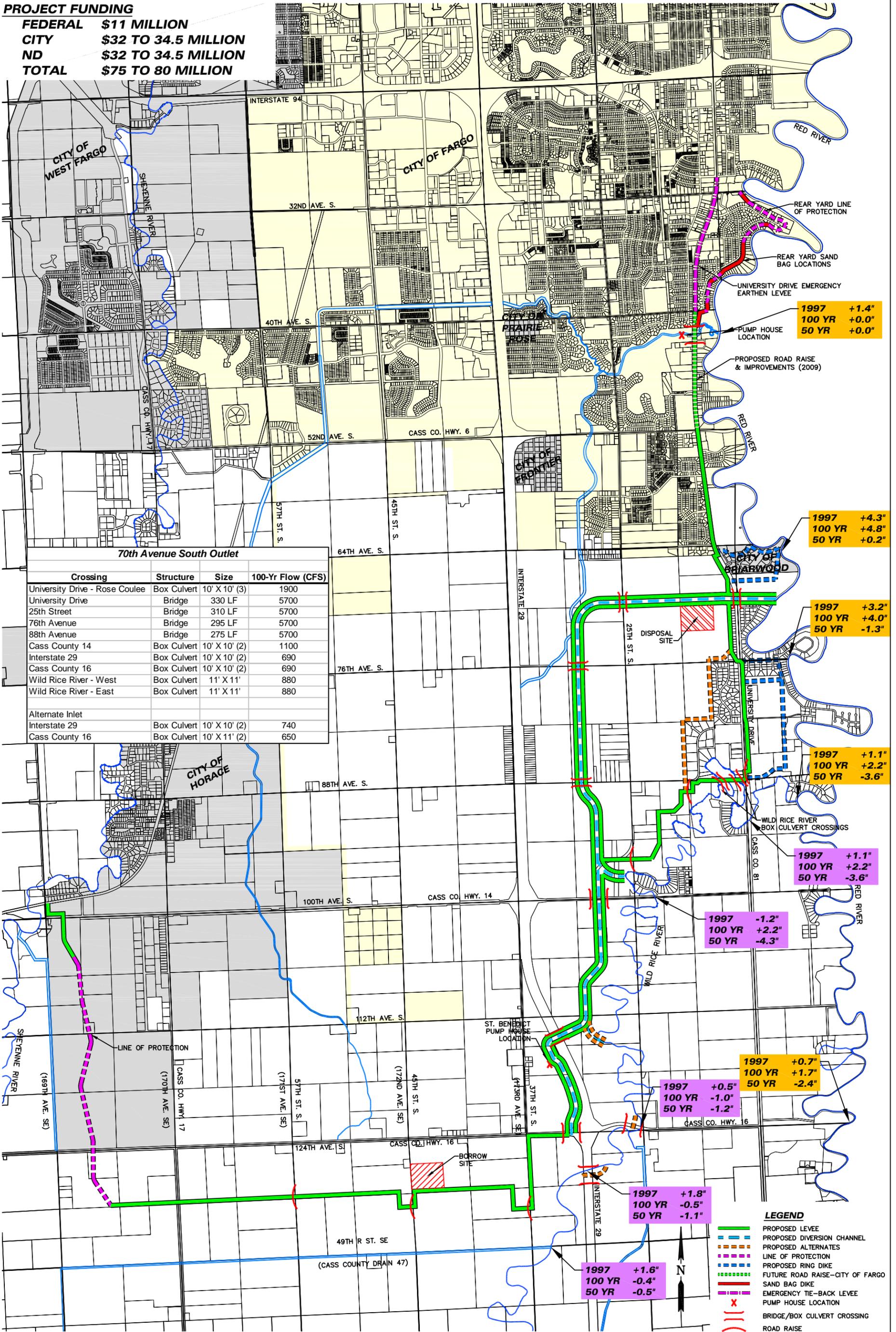
DELINQUENT TAXES AND SPECIAL ASSESSMENTS OR INSTALLMENTS OF SPECIAL ASSESSMENTS PAID AND TRANSFER ENTERED.

MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

70TH AVENUE SOUTH OUTLET ALTERNATIVE

PROJECT FUNDING

FEDERAL \$11 MILLION
CITY \$32 TO 34.5 MILLION
ND \$32 TO 34.5 MILLION
TOTAL \$75 TO 80 MILLION



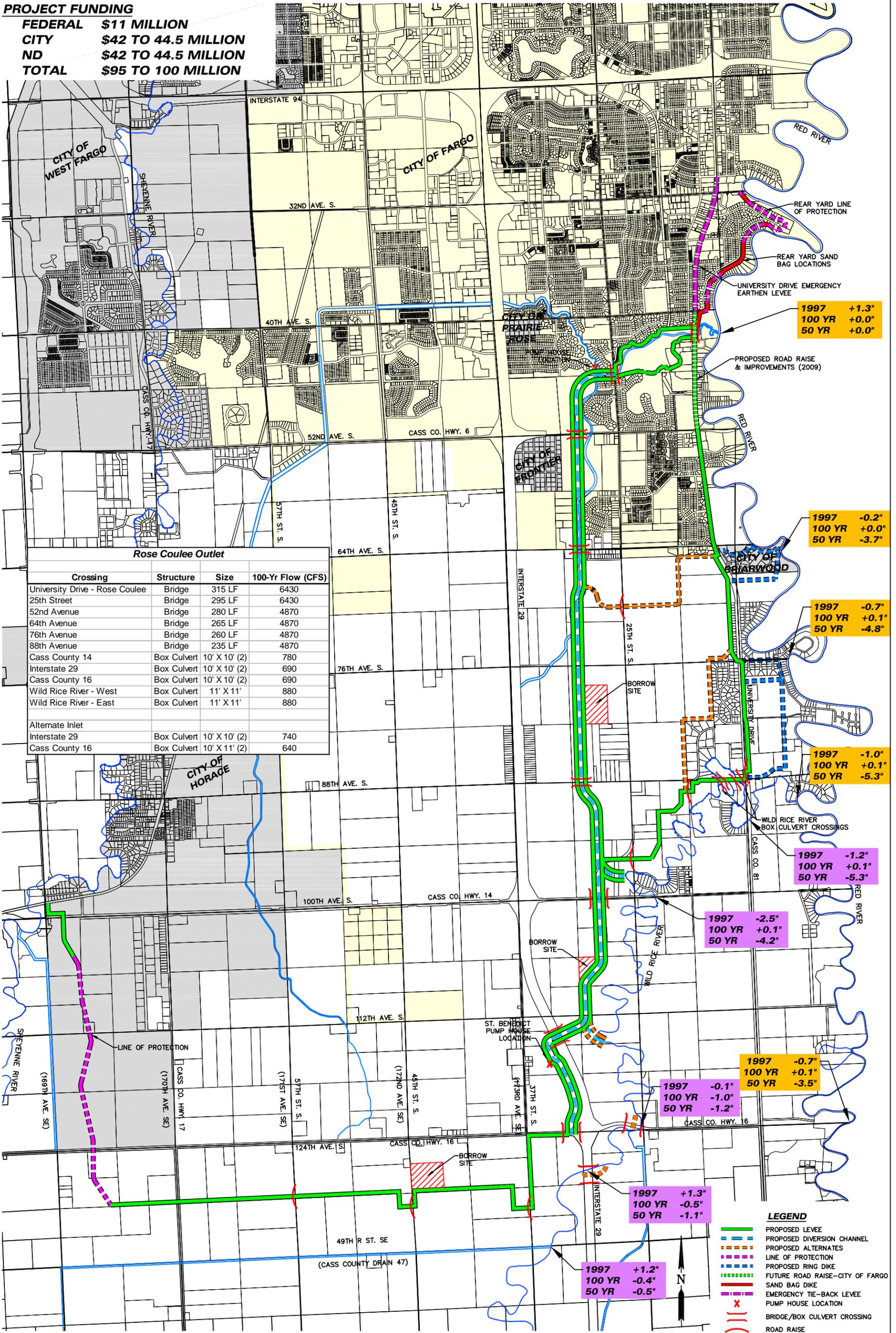
70th Avenue South Outlet

Crossing	Structure	Size	100-Yr Flow (CFS)
University Drive - Rose Coulee	Box Culvert	10' X 10' (3)	1900
University Drive	Bridge	330 LF	5700
25th Street	Bridge	310 LF	5700
76th Avenue	Bridge	295 LF	5700
88th Avenue	Bridge	275 LF	5700
Cass County 14	Box Culvert	10' X 10' (2)	1100
Interstate 29	Box Culvert	10' X 10' (2)	690
Cass County 16	Box Culvert	10' X 10' (2)	690
Wild Rice River - West	Box Culvert	11' X 11'	880
Wild Rice River - East	Box Culvert	11' X 11'	880
Alternate Inlet			
Interstate 29	Box Culvert	10' X 10' (2)	740
Cass County 16	Box Culvert	10' X 11' (2)	650

ROSE COULEE OUTLET ALTERNATIVE

PROJECT FUNDING

FEDERAL \$11 MILLION
CITY \$42 TO 44.5 MILLION
ND \$42 TO 44.5 MILLION
TOTAL \$95 TO 100 MILLION



Rose Coulee Outlet

Crossing	Structure	Size	100-Yr Flow (CFS)
University Drive - Rose Coulee	Bridge	315 LF	6430
25th Street	Bridge	295 LF	6430
52nd Avenue	Bridge	280 LF	4870
64th Avenue	Bridge	265 LF	4870
76th Avenue	Bridge	260 LF	4870
88th Avenue	Bridge	235 LF	4870
Cass County 14	Box Culvert	10' X 10' (2)	780
Interstate 29	Box Culvert	10' X 10' (2)	690
Cass County 16	Box Culvert	10' X 10' (2)	690
Wild Rice River - West	Box Culvert	11' X 11'	880
Wild Rice River - East	Box Culvert	11' X 11'	880
Alternate Inlet			
Interstate 29	Box Culvert	10' X 10' (2)	740
Cass County 16	Box Culvert	10' X 11' (2)	640

1997 +1.3"
 100 YR +0.0"
 50 YR +0.0"

1997 -0.2"
 100 YR +0.0"
 50 YR -3.7"

1997 -0.7"
 100 YR +0.1"
 50 YR -4.8"

1997 -1.0"
 100 YR +0.1"
 50 YR -5.3"

1997 -1.2"
 100 YR +0.1"
 50 YR -5.3"

1997 -2.5"
 100 YR +0.1"
 50 YR -4.2"

1997 -0.7"
 100 YR +0.1"
 50 YR -3.5"

1997 -0.1"
 100 YR -1.0"
 50 YR -1.2"

1997 +1.3"
 100 YR -0.5"
 50 YR -1.1"

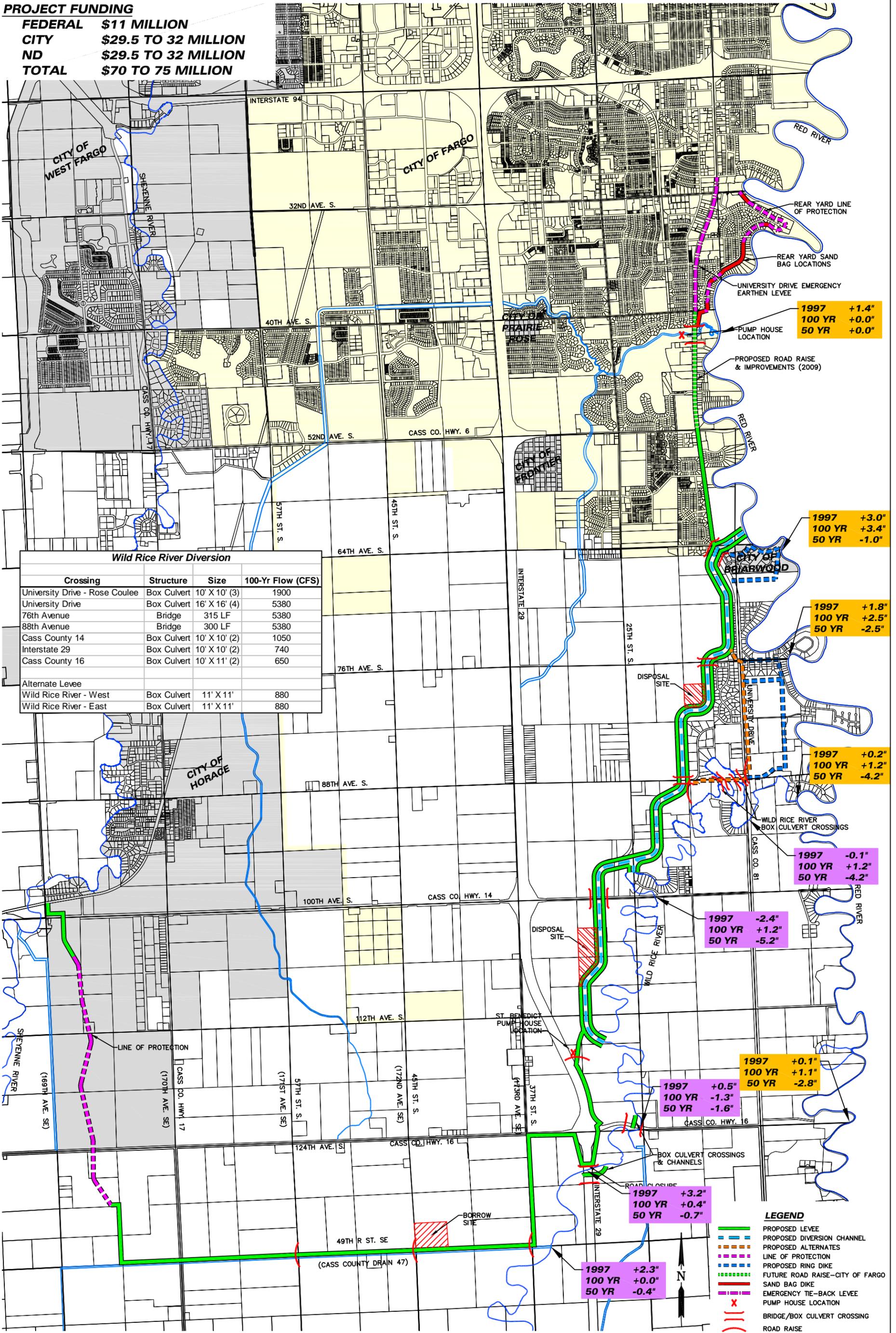
1997 +1.2"
 100 YR -0.4"
 50 YR -0.5"

- LEGEND**
- PROPOSED LEVEE
 - PROPOSED DIVERSION CHANNEL
 - PROPOSED ALTERNATES
 - - - LINE OF PROTECTION
 - - - PROPOSED RING DIKE
 - - - FUTURE ROAD RAISE—CITY OF FARGO
 - - - SAND BAG DIKE
 - - - EMERGENCY TIE-BACK LEVEE
 - X PUMP HOUSE LOCATION
 - () BRIDGE/BOX CULVERT CROSSING
 - () ROAD RAISE

WILD RICE RIVER DIVERSION ALTERNATIVE

PROJECT FUNDING

FEDERAL \$11 MILLION
CITY \$29.5 TO 32 MILLION
ND \$29.5 TO 32 MILLION
TOTAL \$70 TO 75 MILLION



Wild Rice River Diversion

Crossing	Structure	Size	100-Yr Flow (CFS)
University Drive - Rose Coulee	Box Culvert	10' X 10' (3)	1900
University Drive	Box Culvert	16' X 16' (4)	5380
76th Avenue	Bridge	315 LF	5380
88th Avenue	Bridge	300 LF	5380
Cass County 14	Box Culvert	10' X 10' (2)	1050
Interstate 29	Box Culvert	10' X 10' (2)	740
Cass County 16	Box Culvert	10' X 11' (2)	650
Alternate Levee			
Wild Rice River - West	Box Culvert	11' X 11'	880
Wild Rice River - East	Box Culvert	11' X 11'	880

1997 +1.4"
 100 YR +0.0"
 50 YR +0.0"

1997 +3.0"
 100 YR +3.4"
 50 YR -1.0"

1997 +1.8"
 100 YR +2.5"
 50 YR -2.5"

1997 +0.2"
 100 YR +1.2"
 50 YR -4.2"

1997 -0.1"
 100 YR +1.2"
 50 YR -4.2"

1997 -2.4"
 100 YR +1.2"
 50 YR -5.2"

1997 +0.1"
 100 YR +1.1"
 50 YR -2.8"

1997 +0.5"
 100 YR -1.3"
 50 YR -1.6"

1997 +3.2"
 100 YR +0.4"
 50 YR -0.7"

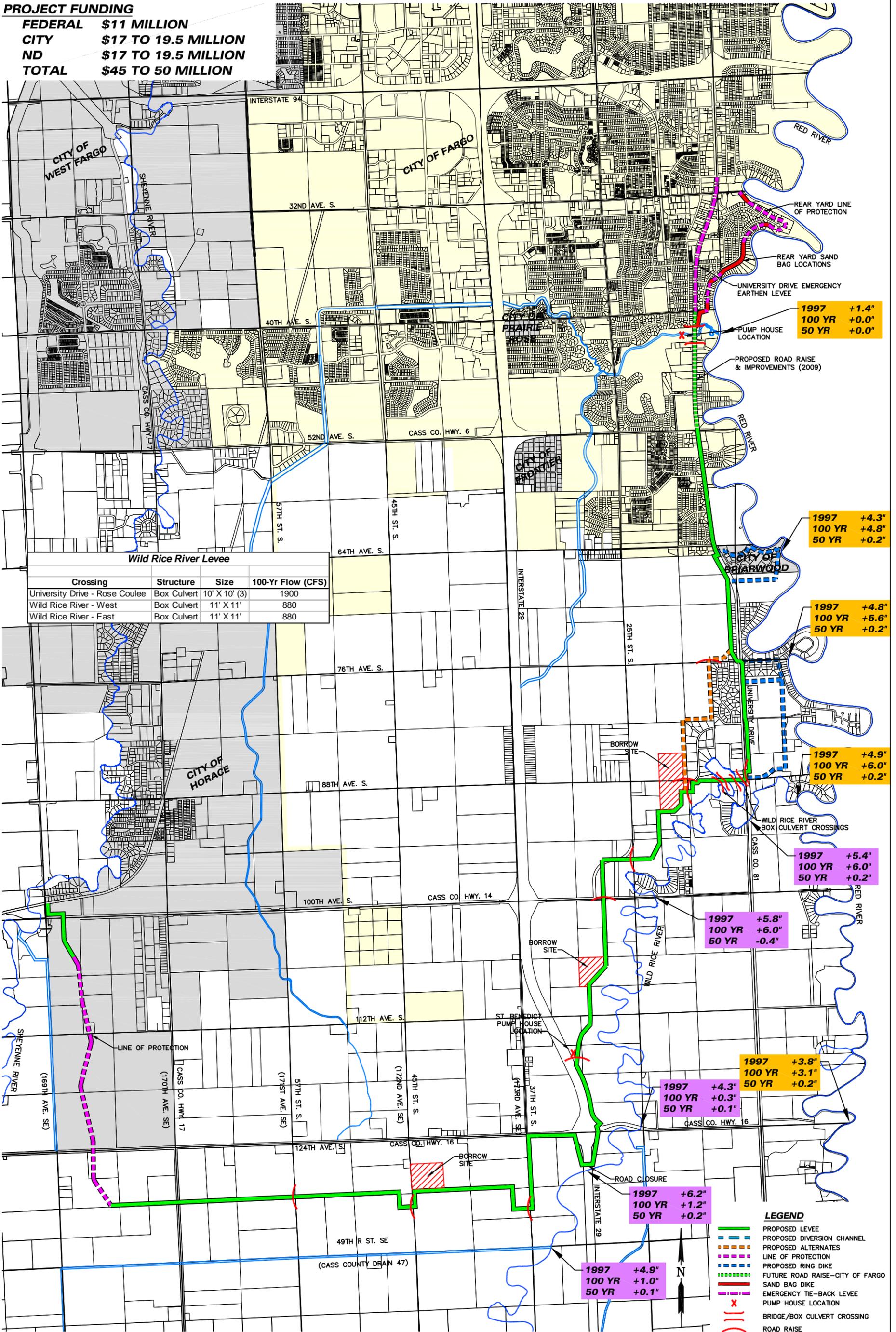
1997 +2.3"
 100 YR +0.0"
 50 YR -0.4"

- LEGEND**
- PROPOSED LEVEE
 - PROPOSED DIVERSION CHANNEL
 - PROPOSED ALTERNATES
 - LINE OF PROTECTION
 - PROPOSED RING DIKE
 - FUTURE ROAD RAISE—CITY OF FARGO
 - SAND BAG DIKE
 - EMERGENCY TIE-BACK LEVEE
 - X PUMP HOUSE LOCATION
 - BRIDGE/BOX CULVERT CROSSING
 - ROAD RAISE

WILD RICE RIVER LEVEE ALTERNATIVE

PROJECT FUNDING

FEDERAL \$11 MILLION
CITY \$17 TO 19.5 MILLION
ND \$17 TO 19.5 MILLION
TOTAL \$45 TO 50 MILLION



moore engineering, inc.
 Consulting Engineering • Land Surveying
 West Fargo • Fergus Falls • Pelican Rapids

WILD RICE RIVER LEVEE ALTERNATIVE
 SOUTH SIDE FLOOD STUDY
 FARGO, NORTH DAKOTA

DATE	REVISED	CH'D BY	DRAWING
01/04/06	11/09/06		1
DRAWN BY	PROJ. NO.	SCALE	OF
JWW/KMV	9902-06	1" = 400'	1

ARTICLE I

ADOPTION, AUTHORITY AND JURISDICTION

SECTION 101
101.01

Adoption, Authority and Repealer.

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
102.01

Jurisdiction.

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 than 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** All complaints shall be submitted to the Cass County Highway Department.
- 501.03** 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.