

Speedwell Township Zoning Regulation Checklist

Review the Proposed Zoning Regulation.

(If you do not have a Township Zoning Commission, the Township Board is able to pass zoning regulations)

Publish Date and Time of Special Meeting with an Agenda

Agenda should include "Speedwell Township Zoning Regulation Regarding Health and Dangerous Buildings"

Date and Time for Meeting: April 1 7:00 PM

Hold the Special Meeting pursuant to published date and time and Agenda

List Board Members Attending Special Meeting:

Marlyn Schaubert, Gary Wiedicker, Donald Long

Motion for Adoption of "Speedwell Township Zoning Regulation" introduced by Member (list Member) Donald Long and was Seconded by

Member (list Member) Gary Wiedicker

Roll Call Vote on Motion (list Member names).

Aye: Marlyn Schaubert, Gary Wiedicker, Donald Long

Nay: \_\_\_\_\_

Members Absent and Not Voting: \_\_\_\_\_

At Special Meeting, Determine Dates for First, Second and Final Reading

Note: The First Reading Meeting and the Final Reading Meeting must be more than seven (7) days apart.

Note: After the First Reading and before the final passage, the regulation may be amended by the Township Board.

Publication of Zoning Regulation - Publish Pages 1 & 2 with all of the information filled in on the pages, including signature of Chairman and Clerk.

The Zoning Regulation should be published at least two (2) consecutive weeks in the Herald Press, the official Wells County Newspaper

First Publication (date) 4-5-08

Second Publication (date) 4-12-08

Meeting with First Reading (Regulation may be amended at this time)

Date of Meeting: Tuesday April 8, 8:00PM

Meeting with Second Reading (Regulation may be amended at this time)

Date of Meeting: Monday April 14, 8:00PM

Meeting with Final Passage (Regulation may not be amended)

Date of Meeting: Wednesday April 16, 8:00PM

Final Publication of Pages 1 & 2 and Penalty Clauses of Regulation with Signature of Chairman and Clerk and all information filled in regarding dates and names  
See attached pages for Final Publication (Begins with "Be it ordained. . .")

SPEEDWELL TOWNSHIP ZONING REGULATION # \_\_\_\_\_  
REGARDING HEALTH AND DANGEROUS BUILDINGS

WHEREAS, Speedwell Township has concerns regarding the health and safety of Speedwell Township especially regarding dangerous buildings;

NOW THEREFORE, BE IT RESOLVED:

Speedwell Township determines that it is necessary to pass Zoning Regulations and Rules regulating the health and safety and dangerous buildings in the Township, and the Table of Contents for the Zoning Regulation are as follows:

"TABLE OF CONTENTS FOR ZONING REGULATION

ARTICLE 1 - Board of Health

- Section 1 Members
- Section 2 Regulations

ARTICLE 2 - Health Officer

- Section 1 Duties of Health Officer
- Section 2 Penalty

ARTICLE 3 - Dangerous Buildings

- Section 1 Dangerous Buildings Defined
- Section 2 Standards for Repair, Vacation or Demolition
- Section 3 Dangerous Buildings - Nuisances
- Section 4 Duties of Building Inspector
- Section 5 Duties of Speedwell Township Governing Body
- Section 6 Failure to Comply with Decision of the Speedwell Township Governing Body
- Section 7 Violations - Penalty for Disregarding Notices or Orders
- Section 8 Duties of the State's Attorney
- Section 9 Where Owner Absent from the Township
- Section 10 Reports of Fire, Law Enforcement and Health Departments
- Section 11 Appeal

APPENDIX 3-1: In the Matter of "Dangerous Buildings" / Notice of Hearing

APPENDIX 3-2: In the Matter of "Dangerous Buildings" / Notice and Order

APPENDIX 3-3: Warning"

This Zoning Regulation is now in full force and effect as of the date of its First Publication, unless revised, amended, or repealed by the Speedwell Township Board.

The First Reading of the Zoning Regulations shall be held at the meeting of the Township Board on (date) Tuesday April 8<sup>th</sup> 2008 at (time of meeting) 8:00 PM O'clock p.m.

The Second Reading of the Zoning Regulations shall be held at the meeting of the Township Board on (date) Monday April 14<sup>th</sup> 2008 at (time of meeting) 8:00 O'clock p.m.

The Final Reading of the Zoning Regulations shall be held at the meeting of the Township Board on (date) Wednesday April 16<sup>th</sup> 2008 at (time of meeting) 8:00 O'clock p.m.

The Full Zoning Regulation is and shall be on file with the Township Clerk, who is presently Patty Long, at 4533 5<sup>th</sup> St NE, Heaton, ND 58418, (701) 984-2446, or any succeeding Clerk of Speedwell Township.

Dated 4-1 2008.

SPEEDWELL TOWNSHIP BOARD, WELLS COUNTY, NORTH DAKOTA

By Marilyn Schaubert  
Chairman, Speedwell Township Board

ATTEST:

Patty Long  
Clerk, Speedwell Township Board

The Motion for adoption of the Zoning Regulation was introduced by Member Donald Long, and the motion was duly seconded by Member Dary Widicker. On Roll Call Vote, the following Members voted "aye" (in favor of the Zoning Regulation):

Donald Long Dary Widicker Marilyn Schaubert

The following members voted "nay" (against the Zoning Regulation):

\_\_\_\_\_

The following members were absent and not voting:

\_\_\_\_\_

The Majority having voted "aye," the Motion carried and the Zoning Regulation was duly adopted.

First Publication: (date) Tuesday April 8, 2008

Second Publication: (date) Monday April 14, 2008

SPEEDWELL TOWNSHIP ZONING REGULATION # \_\_\_\_\_  
REGARDING HEALTH AND DANGEROUS BUILDINGS

ARTICLE 1 - Board of Health

Section 1 Members

The Board of Health is composed of the Speedwell Township Board governing body, which shall have and exercise all powers under the law. (Source: North Dakota Century Code Section 23-35-03)

Section 2 Regulations

The Board of Health may make rules regarding any nuisance, source of filth, and any cause of sickness which are necessary for public health and safety. The Board of Health shall appoint or hire a health officer from time to time as necessary. (Source: North Dakota Century Code Section 23-35-08). The Township Board may establish zoning regulations to promote the health, safety, morals, or the general welfare, or to secure the orderly development of the township. (Source: North Dakota Century Code Section 58-03-11)

ARTICLE 2 - Health Officer

Section 1 Duties of Health Officer

1. Within the jurisdiction of the board of health, the appointed or hired health officer:
  - a. Shall keep a record of the official acts performed.
  - b. Shall enforce every law and rule relating to preservation of life and health of individuals.
  - c. May exercise the powers and duties of the board of health under the supervision of the board of health.
  - d. May make sanitary inspections of any place within the jurisdiction in which the health officer finds a probability a health-threatening condition exists.
  - e. May investigate public water and ice supplies suspected of contamination and initiate necessary condemnation proceedings.
  - f. May recommend any action necessary for the protection of public health and safety to the Board of Health.
2. The health officer may request the assistance of a county sheriff or city health department in the same manner as provided under subsection 3 of section 23-35-09 of the North Dakota Century Code.

Section 2 Penalty

Any person who violates any order, zoning regulation, or rule prescribed by the board of health or appointed or hired health officer or any rule adopted under this chapter shall be punishable by a fine of not more than five hundred dollars (\$500.00). (Source: North Dakota Century Code Section 23-35-13)

## ARTICLE 3 - Dangerous Buildings

### Section 1 Dangerous Buildings Defined

For the purpose of these zoning regulations, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
2. 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.
3. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
4. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
5. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
6. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
7. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
8. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
9. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance,

dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or is such a condition that is likely to cause sickness or disease.

10. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
11. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

## Section 2 Standards for Repair, Vacation or Demolition

The following standards shall be followed in substance by the building inspector and the governing body in ordering repair, vacation or demolition:

1. If the "dangerous building" can be reasonably repaired so that it will no longer exist in violation of the terms of this article it shall be ordered repaired.
2. If the "dangerous building" is in such condition as to make it dangerous to the health, safety or general welfare of its occupant it shall be ordered to be vacated.
3. In all cases where a building cannot be repaired so that it will no longer exist in violation to the terms of this article it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this article or any regulations of Speedwell Township or statute of the State of North Dakota, it shall be demolished.
4. If a "dangerous building" is demolished, Speedwell Township shall have the authority and discretion to turn over the case to the State's Attorney for prosecution as a Public Nuisance, and / or to assess the costs of demolition against another piece of property owned by the landowner within Wells County, North Dakota.

## Section 3 Dangerous Buildings - Nuisances

All "dangerous buildings" within the terms of Section 1 of this article are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this ordinance or under state law.

## Section 4 Duties of Building Inspector

The building inspector, as designated by the Speedwell Township governing body, shall:

1. Inspect or cause to be inspected periodically, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for the

purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of this Zoning Regulation.

2. Inspect any building, wall or structure about which any person to the effect files complaints that a building, wall, or structure is or may be existing in violation of this article.
3. Inspect any building, wall or structure reported by the fire or law enforcement as probably existing in violation of the terms of this ordinance.
4. Notify in writing the owner, occupant, lessee, mortgagee and all other persons having an interest in said building, as shown by the records in the office of the County Recorder's Office, of any building found by the building inspector or health officer to be a "dangerous building" within the standards set forth in these zoning regulations that: (a) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and these zoning regulations; (b) the owner or occupant must vacate said building or may have it repaired in accordance with the notice and remain in possession. Provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days as may be necessary to do, or have done, the work or act required by the notice provided for herein. A copy of these zoning regulations shall accompany any notice of dangerous buildings.
5. Set forth in the notice provided for in these zoning regulations hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building", and an order requiring the same to be put in such condition as to comply with the terms of these zoning regulations within such length of time, not exceeding thirty (30) days, as is reasonable.
6. Report to the Speedwell Township governing body any noncompliance with the "notice" provided for in these zoning regulations.
7. Appear at all hearings conducted by the Speedwell Township governing body and testify as to the conditions of "dangerous buildings".
8. Place a notice on all "dangerous buildings" reading as follows: "This building has been found to be a dangerous building by the building inspector. All persons are hereby warned that it is unlawful to rent, lease, let occupy, or permit the use or occupancy of this building for dwelling purposes or as a place of employment for human beings. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee or mortgagee of this building and all other persons having an interest in said building as shown by the records of the County Recorder's Office. It is unlawful to remove this notice until such notice is complied with."

Section 5 Duties of the Speedwell Township Governing Body

The Speedwell Township governing body shall:

1. Upon receipt of a report of the building inspector as provided for in these zoning regulations, give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the County Recorder's Office, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in these zoning regulations.
2. Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the County Recorder's Office shall offer relative to the "dangerous building".
3. Make written findings of fact from the testimony offered pursuant to these zoning regulations as to whether or not the building in question is a "dangerous building" within the terms of these zoning regulations.
4. Issue an order based upon findings of fact made pursuant to this ordinance commanding the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the records of the County Recorder's Office to repair, vacate or demolish any building found to be a "dangerous building" within the terms of this article and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building".

Section 6 Failure to Comply with Decision of the Speedwell Township Governing Body

If the owner, occupant, mortgagee or lessee fails to comply with the order of the Speedwell Township governing body or fails to appeal to the District Court within thirty (30) days as provided herein, the Speedwell Township through its officers and employees shall cause such building or structure to be repaired, vacated or demolished as ordered by the Speedwell Township governing body and shall cause the costs of such repair, vacation or demolition to be charged against the land on which said building existed by special assessment, or as a municipal lien, or shall cause said cost of removal to be levied as a special tax against the land upon which said building stands or did stand or to be recovered in a suit at law against the owner. Under these zoning regulations Speedwell Township may assess the costs of demolition against another piece of property owned by the landowner within Wells County, North Dakota.

Section 7 Violations - Penalty for Disregarding Notices or Orders

The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate to demolish said building given by any person authorized by this article to give such notice or order shall be guilty of an infraction and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00) for each offense and every day subsequent to such notice in which the said owner shall fail to comply with any notice or order as above stated shall be deemed a separate offense.

The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair said building in accordance with any notice given as provided for in this article shall be guilty of an



infraction and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00) for each offense and every day subsequent to such notice in which the said occupant or lessee shall fail to comply with any notice or order as above stated, shall be deemed a separate offense.

Any person removing the notice provided for in these zoning regulations thereof shall be guilty of an infraction and upon conviction shall be fined not exceeding five hundred dollars (\$500.00) for each offense.

#### Section 8 Duties of the State's Attorney

The Wells County State's Attorney shall have the authority to:

1. Prosecute all persons failing to comply with the terms of the notices provided for herein in these zoning regulations and the order provided for in these zoning regulations.
2. Appear at all hearings before the Speedwell Township governing body in regard to "dangerous buildings".
3. Take such other legal action as is necessary to carry out the terms and provisions of this article.

#### Section 9 Where Owner Absent from the Township

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the Township, all notice or orders provided for herein shall be sent by registered or certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the County Recorder's Office to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

#### Section 10 Reports of Fire, Police and Health Departments

All employees of the fire, police and health departments may make written reports to the building inspector of all buildings or structures which they suspect may be "dangerous buildings" as herein defined.

#### Section 11 Appeal

The Speedwell Township governing body shall serve upon the owner, occupant, mortgagee, lessee and all other persons having an interest in any building ordered to be repaired, vacated or demolished, a copy of its order. The owner, occupant, mortgagee or lessee shall thereafter have thirty (30) days from the date of the service of such order in which to appeal from such order to the District Court or to take such other legal steps to enjoin the enforcement of such order.