



MEMORANDUM

Highway Department

Jason Benson, P.E.
County Engineer

Richard S. Sieg
Superintendent

Thomas B. Soucy, P.E.
Assistant County Engineer

TO: Cass County Board of Commissioners
FROM: Hali A. Durand, Cass County Planner
DATE: June 8, 2015
SUBJECT: Regular Agenda Topic for the June 15, 2015
Commission Meeting: Subdivision Enforcement

A few months back, a meeting was held to discuss ways to enforce the Subdivision Ordinance and prevent the dividing of land within Cass County's jurisdiction in violation of the ordinance. It was felt that educating the parties involved would be a first step and enforcement would follow. Since the meeting, individual meetings have been held to include all the Townships, new informational brochures and handouts have been developed and distributed, and dialog has occurred between organizations and other County departments to ensure others are aware of what the requirements entail.

The purpose of this memo is to bring this topic to your attention as the original issues are still continuing. I have highlighted areas within our ordinance that pertain to enforcement and look to you for additional input and dialogue.

CASS COUNTY
COMMISSION POLICY MANUAL 24.20

SUBJECT: PLANNING FUNCTION OF CASS COUNTY
ADOPTED DATE: MAY 3, 1993 PAGE 3 OF 4

PLANNING ORGANIZATION AND RESPONSIBILITIES

County Board of Commissioners: Responsible for exercising all powers conveyed to it by the North Dakota Century Code including, but not limited to: restricting the use of buildings and structures and the use, condition of use, or occupancy of lands for residence, recreation, and other purposes. County Board of Commissioners will not act on subdivision requests without hearing

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recommendations by both the County Planning Commission and the Township Board of Supervisors. Ultimate planning authority lies with the County Board of Commissioners.

Planning Commission: The Planning Commission serves as an advisory board to the County Commission. All subdivision applications and other planning issues will be referred to, and receive recommendations from, the planning commission prior to being placed on the County Commission agenda.

Townships: Townships also have authority to regulate land use. Townships currently regulate zoning. The County regulates subdivision of land. The century code empowers townships with zoning authority and further specifies that townships may relinquish this authority to the County. With zoning authority, townships assume the responsibility for zoning. Unless a township relinquishes its authority, the County relies on townships to properly administer zoning. The County and townships work in cooperation to regulate land use.

SUBDIVISION ORDINANCE
ADOPTED MARCH 6, 2006, REVISED MARCH 5, 2012

SECTION 101 Adoption, Authority, and Repeal of Cass County Platting and Land Subdivision Regulations of 1992.

101.01. This Ordinance is adopted by the Board of County Commissioners pursuant to the authority granted by the Home Rule Charter of Cass County and Chapter 11-09.1 of the North Dakota Century Code. 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 Rule powers the authority:

A. To provide for adoption, amendment, repeal initiations, referral, enforcement, *and penalties for violation of ordinances*, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety and welfare; and

SECTION 906 Penalties and Violations.

Any person, partnership, corporation, or limited liability company who or which, being the owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or who or which sells, transfers, or agrees or enters into an agreement to sell or transfer any land in a subdivision or engages in the subdivision of land or erects any buildings thereon, in violation of any provision of this Ordinance shall be guilty of a Class B Misdemeanor, with a maximum penalty of thirty (30) days imprisonment, a fine of one thousand (1,000) dollars, or both.

906.04. Upon discovery of an alleged violation, the Planning Commission shall notify the township in which the affected property is located of the unlawful action and may request that the municipality refuse to issue any permit or grant any approval necessary to further improve or develop any real property held in violation of the requirements of this Ordinance.

906.05. No approval shall be granted to any subsequent phases of a development until all outstanding violations are abated and the project is in full compliance with the standards and conditions of this Ordinance.