

N.D.A.G. Letter to Murphy (June 12, 1985)

June 12, 1985

Honorable Jack Murphy
State Representative
Killdeer, North Dakota 58640

Dear Representative Murphy:

Thank you for your letter of May 26, 1985, requesting an interpretation of N.D.C.C. § 40-06-01 which extends the authority of a city governing body beyond the municipal limits of that city.

N.D.C.C. §40-06-01(2) provides that a city governing body has the authority to enforce certain ordinances and regulations of the city within the city limits and within a half mile of the city limits. The ordinances and regulations which may be enforced in this one-half mile area include health and quarantine ordinances, police regulations, and ordinances adopted to promote the peace, order, safety, and general welfare of the municipality. Thus, any ordinance of a city may be enforced within one-half mile of the city limits so far as the ordinance in question falls within one of these categories. Examples of such ordinances would include those regulating livestock, junkyards, or unsightly areas as these would be ordinances designed to promote "the peace, order, safety, and general welfare of the municipality." Ordinances which do not fall within these categories could not be enforced in the one-half mile area within the city limits.

This particular statute speaks only to the enforcement of certain city ordinances and regulations; it does not require cities to provide certain city services to those who happen to reside within the one-half mile area.

Sincerely,

Nicholas J. Spaeth

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