

AN ORDINANCE ADOPTION  
COMMUNITY PRESERVATION  
AND IMPROVEMENT  
REGUATIONS

BE IT ORDAINED BY THE CITY  
COUNCIL OF THE CITY OF CROSBY,  
NORTH DAKOTA, AS FOL-  
LOWS:

Section 1. The City Council finds  
and declares that the adoption of  
the community preservation and  
improvement regulations set forth in  
this ordinance and the administration  
of the provisions of such will amend  
and restate Article 5 of said Chapter  
XI and that said Article 5 is hereby  
re-amended and restated to read as  
follows:

ARTICLE 5  
COMMUNITY  
PRESERVATION AND  
IMPROVEMENT

11.0501 FINDINGS

The City Council finds and de-  
clares that the regulations set forth in  
this article are necessary in order to  
eliminate conditions on properties in  
the City which are detrimental to the  
health, safety and welfare of residents  
thereof, to neighboring occupants or  
properties and the municipal welfare.

11.0502 DEFINITIONS

For the purpose of this article,  
certain words and phrases are defined  
and shall be construed as set out in this  
section. Unless specifically defined  
below, words or phrases used in this  
article shall be interpreted so as to  
give them the meaning that they have  
in common usages and to give this  
article its most reasonable application.

a. **Building.** “Building” shall  
mean any structure used or intended  
for supporting or sheltering any use  
or occupancy.

b. **City Auditor.** “City Auditor”  
shall mean the City Auditor or his or  
her designees.

c. **Owner.** “Owner” shall mean any  
person owning property, as shown on  
the last equalized assessment roll for  
city taxes and also includes the lessee,  
tenant or other person having control  
or possession of the property unless  
otherwise specified.

d. **Property.** “Property” shall  
mean all real property including, but  
not limited to, front yards, side yards,  
backyards, driveways, walkways and  
sidewalks and shall include any build-  
ing located on such property.

e. **Junked Vehicles.** “Junked Ve-  
hicles” shall mean any motor vehicle  
which:

1. Is inoperative and which does  
not have lawfully affixed thereto both  
any unexpired license plate or plates  
and which is wrecked, dismantled,  
partially dismantled, or discarded; or

2. Remains inoperative or unli-  
censed for a continuous period of  
more than 60 days.

11.0503 UNLAWFUL PROP-  
ERTY NUISANCE

It shall be unlawful for any persona  
owning, leasing, renting occupying or  
having charge or possession of any  
property in the City to maintain or to  
allow to be maintained such property  
in such manner that any of the fol-  
lowing conditions are found to exist  
thereon, except as may be allowed by  
this code or by other City regulations:

a. The exterior accumulation of  
dirt, litter or debris on the property;

b. Trash, garbage, or refuse cans,  
binds boxes or other such containers  
stored in yards for an unreasonable  
period;

c. Packing boxes, lumber, junk  
trash, salvage materials, or other  
debris kept on the property for an  
unreasonable period;

d. Attractive nuisances dangerous  
to children including abandoned,  
broken or neglected equipment, ma-

chinery, refrigerators and freezers,  
hazardous pools, ponds and excava-  
tions;

e. Broken or discarded furniture,  
household equipment and furnish-  
ings or shopping carts stored outside  
of buildings on the property for an  
unreasonable period;

f. Overgrown vegetation likely to  
harbor rats, vermin and other nui-  
sances causing detriment to neighbor-  
ing properties or property values or  
obstructing necessary view of drivers  
on public streets or private driveways;

g. Dead, decayed diseased, or haz-  
arous trees, weeds, or other vegetation  
constituting unsightly appearance;  
dangerous to public safety and wel-  
fare, or detrimental to neighboring  
properties or property values;

h. Graffiti or other words, letters  
or drawings which remain on the  
exterior of any building or fence for  
an unreasonable period and are visible  
from a public street;

i. Boats, trailers, vehicles or vehicle  
parts, or other articles of personal  
property which are located on the  
property in violation of this ordinance  
or are abandoned or left in a state of  
partial construction or repair for an  
unreasonable period of time in the  
designated paved parking area of the  
front yard, the back yard, side yard,  
driveway, or sidewalk;

j. Camper shells which are left for  
an unreasonable period of time in the  
front yard, the back yard, driveway,  
side yard, sidewalk, or walkway and  
are visible from a public street; and

k. Buildings which are abandoned,  
boarded up, partially destroyed, or left  
in a state of partial construction for  
an unreasonable period of time and  
such buildings which are unpainted  
or where the pain on the building  
exterior is mostly worn off.

11.0504 LOCATION OR PRES-  
ENCE OF JUNKED VEHICLES  
WITHIN CITY DEEMED PUBLIC  
NUISANCE; EXCEPTIONS

The location or presence of any  
junked vehicle or junked vehicles on  
any lot, tract, parcel of land or por-  
tion thereof, occupied or unoccupied,  
improved or unimproved, within the  
City of Crosby shall be deemed a  
public nuisance and it shall be unlaw-  
ful for any person or persons to cause  
of maintain such public nuisance by  
wrecking, dismantling, rendering  
inoperable, abandoning or discard-  
ing his or their vehicle or vehicles on  
the property of another or to suffer,  
permit or allow the same to be placed,  
located, maintained or exist upon his  
or their own real property; provided  
that this section shall not apply to  
(1) a vehicle or part thereof which is  
complete enclosed within a building  
in a lawful manner where it is not  
visible from the street or other public  
or private property; or (2) a vehicle or  
part thereof which is stored or parked  
in a lawful manner on private property  
in connection with the business of a li-  
censed vehicle dealer, machine dealer,  
or vehicle and machine repair garage.

11.0505 OBSTRUCTION TO  
PUBLIC STREETS

All vehicles, boats, trailers, camp-  
ers, etc., need to be removed from  
any and all street and alleyways by  
November 1st of each year through  
April 30th. The City reserves the right  
to request the streets any alleyways to  
be clear. The City will provide notice  
on vehicles boats, trailers, campers,  
etc. at least twelve (12) hours prior to  
the vehicles needing to be moved. If  
the vehicles are not moved, the City  
reserves the right to impound the  
vehicles, boats, trailers, campers, etc.

11.0506 DECLARATION OF  
PUBLIC NUISANCE

Any property found to be main-

tained in violation of the foregoing  
sections is hereby declared to be a  
public nuisance and shall be abated by  
rehabilitation, removal, demolition,  
or repair pursuant to the procedures  
set forth herein. The procedures for  
abatement set forth herein shall not be  
exclusive and shall not in any manner  
limit or restrict the City from enforce-  
ing other City ordinances and regula-  
tions or abating public nuisances in  
any other manner provided by law.

11.0507 ABATEMENT PRO-  
CEDURE; NOTIFICATION OF  
NUISANCE

Whenever the City Auditor deter-  
mines that any property with the City  
is being maintained contrary to one  
or more of the provisions of Section  
11.0503 of this article, the City Audi-  
tor shall give written notice (Notice to  
Abate) to the owner of said property  
stating the section(s) being violated.  
The notice to abate shall set forth a  
reasonable time limit, in no event less  
than seven calendar days, for correct-  
ing the violation(s) and may also set  
forth suggested methods of correcting  
the same and shall be served upon the  
owner in accordance with the provi-  
sions of subsection b covering service  
in person or by mail.

a. **Administrative Hearing to Abate  
Nuisance.** In the event the owner shall  
fail, neglect, or refuse to comply with  
the Notice to Abate, the City Council  
shall conduct an administrative hear-  
ing to ascertain whether the condition  
complained of in the notice violates  
this article and therefore constitutes  
a public nuisance.

b. **Notice of Hearing.** Notice of  
hearing shall be served upon the  
owner not less than seven calendar  
days before the time fixed for hear-  
ing. Notice of hearing shall be served  
in person or by certified mail to the  
owner’s last known address. Service  
shall be deemed complete at the time  
notice is personally served or depos-  
ited in the mail. Failure of any person  
to receive notice shall not affect the  
validity of any proceedings hereunder.  
Notice shall be substantially in the  
format set forth below:

NOTICE OF ADMINISTRATIVE  
HEARING ON ABATEMENT OF  
NUISANCE

This is a notice of hearing before  
the city Council to ascertain whether  
certain property situated in the City of  
Crosby, State of North Dakota, known  
and designated as (street address), and  
more particularly described as (asses-  
sor’s parcel number), constitutes a  
public nuisance subject to abatement  
by the methods suggested in this no-  
tice. If the condition(s) described in  
this notice, in whole or in part, is (are)  
found to constitute a public nuisance  
as defined in Chapter XI, Article 5 and  
is (are) not promptly abated by the  
owner, such nuisance may be abated  
by municipal authorities, in which  
case the cost of abatement will be as-  
sessed upon such property and such  
costs, together with interest thereon,  
will constitute a lien upon such prop-  
erty until paid. In addition, you may  
be cited for violation for the provi-  
sions of the Crosby Municipal Code  
and subject a fine or imprisonment.

The nuisance conditions consist of  
the following:

The method(s) of abatement are:  
All persons having an interest in  
the matters covered by this notice may  
attend the hearing and their testimony  
and evidence will be heard and given  
due consideration.

Dated this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

/s/  
City Auditor  
Time and Date of Hearing: \_\_\_\_\_  
Location of Hearing: . . . . .

ORDINANCE NO. 351

c. **Administrative Hearing by City  
Council.** At the time stated in the  
notice, the City Council shall hear  
and consider all relevant evidence  
objections, or protests relative to  
such alleged public nuisance and to  
the proposed method(s) of abatement  
which may include cleanup, rehabili-  
tation, repair, removal, demolition of  
such property or such other method(s)  
which the City Auditor may deem  
appropriate. The hearing may be  
continued from time to time.

If the City Council finds that such  
public nuisance does exist and that  
there is sufficient cause to abate the  
nuisance, the City Council shall pre-  
pare findings and an order, which shall  
specify the nature of the nuisance, the  
method(s) of abatement and the time  
within which the work shall be com-  
menced and completed. The order  
shall include reference to the right to  
appeal set forth in Section 11.0508 of  
this article. A copy of the finding and  
order shall be served on all owners  
of the subject property in accordance  
with the provisions of subsection b.  
In addition a copy of the findings and  
order shall be forthwith conspicuously  
posted on the property.

d. **Procedure; No Appeal.** In the  
absence of any appeal, the owner shall  
abate the nuisance on the property in  
the manner and means specifically  
set forth I the findings and order. In  
the event the owner fails to abate the  
nuisance as ordered, the City Council  
hall case the nuisance to be abated by  
City employees or private contract.  
The costs shall be billed to the owner,  
as specified in Section 11.0509 of  
this article. The City Council may  
authorize City employees or the City’s  
contractors to enter upon the property  
for such purposes.

11.0508 APPEAL PROCEDURE

The owner may appeal the City  
Council’s findings and order to the  
District Court of Divide County,  
North Dakota, within ten days of the  
date of service, in accordance with  
the provisions of 11.0506, of City  
Council’s decision. If the tenth day  
falls on a weekend or legal holiday  
observed by the City, then the appeal  
may be filed on the next work day.  
The appeal shall contain:

a. A specific identification of the  
subject property;

b. The names and addresses of all  
appellants;

c. A statement of appellant’s legal  
interest in the subject property;

d. A statement in ordinary and conc-  
ise language of the specific order or  
action protested and the grounds for  
appeal, together with all material facts  
in support thereof;

e. The date and signatures of all  
appellants; and

f. The verification of at least one  
appellant as to the truth of the matters  
stated I the appeal.

11.0509 ABATEMENT BY CITY

If the nuisance is not abated as  
ordered within the abatement period,  
the City Auditor shall cause the same  
to be abated by such City employee  
or private contractors the City Audi-  
tor may authorize to enter upon the  
property for such purposes. The  
cost, including incidental expenses,  
of abating the nuisance shall be billed  
to the owner and shall become due  
and payable thirty days thereafter.  
The term “incidental expenses” shall  
include, but not be limited to, person-  
nel costs, both direct and indirect;  
costs incurred in documenting the  
nuisance; the actual expenses and  
costs of the City in preparation of  
notice, specification and contract and  
in inspecting the work; and the costs

of printing and mailing the notices  
required hereunder.

11.0510 LEIN PROCEDURE

a. **Record of Cost of Abatement.**  
The Auditor shall keep an account  
of the cost of abating such nuisance  
on each separate lot or parcel of land  
where the work is done by the City  
and shall render an itemized report in  
writing to the City Council showing  
the cost of abatement including any  
salvage value. Before the abatement  
cost report is submitted to the City  
Council a copy of the same shall be  
posted for at least five days upon the  
subject property, together with a no-  
tice of the date when said report shall  
be heard by the City Council for con-  
firmation. A copy of said report and  
notice shall be served upon the owners  
of said property in accordance with  
the provisions of Section 11.0506(b)  
of this article at least five calendar  
days prior to submitting the same  
to the City Council. Proof of said  
posting and service shall be made by  
affidavit filed with the City Auditor.

b. **Assessment Lien.** If unpaid by  
the owner within thirty (30) days after  
service as set forth in 11.0509(a), the  
total cost for abating such nuisance,  
as so confirmed by the City Council,  
shall constitute a special assessment  
against the respective lot or parcel  
of land to which it relates, and upon  
recording in the office of the County  
Register of Deeds of a Notice of Lien,  
as so made and confirmed, shall con-  
stitute a lien on said property for the  
amount of such assessment.

After such confirmation and re-  
cordation, a certified copy of the  
City Council’s decision shall be filed  
with the Divide County Auditor on  
or before October 1st of each year,  
whereupon it shall be the duty of  
said Auditor to add the amounts of  
the respective assessments to the next  
regular tax bills levied against said  
respective lots and parcels of land  
for municipal purposes and thereafter  
said amounts shall be collected at  
the same time and in the same man-  
ner as ordinary municipal taxes are  
collected, and shall be subject to the  
same penalties and the same proce-  
dure and sale in case of delinquency  
as provided for ordinary municipal  
taxes. All laws applicable to the  
levy, collection, and enforcement of  
municipal taxes shall be applicable  
to such special assessment.

c. **Foreclosure.** In the alternative,  
after such recordation, such lien may  
be foreclosed by judicial or other sale  
in the manner and means provided by  
law.

d. **Notice of Lien.** The Notice of  
Lien for recordation shall be in form  
substantially as follows:

NOTICE OF LIEN

(Claim of City of Crosby)

Pursuant to the authority vested  
by the provisions of Chapter XI,  
Article 5 of the Crosby Municipal  
Code, the City Auditor of the City  
of Crosby did on or about the \_\_\_\_  
day of \_\_\_\_\_,  
20\_\_, cause the property or condition  
hereinafter described to be rehabili-  
tated or the building or structure on  
the property or condition hereafter  
described to be removed in order to  
abate a public nuisance on said real  
property; and the City Council of the  
City of Crosby did on the \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_, assess the  
cost of such abatement upon the real  
property hereinafter described; and  
the same has not been paid nor an part  
thereof; and that said City of Crosby  
does hereby claim a lien on such  
rehabilitation, repair, or demolition  
in the amount of said assessment, to-  
wit: The sum of \$\_\_\_\_\_  
shall be a lien upon said real property

until the same has been paid in full and  
discharged of record.

The real property hereinafter men-  
tioned, and upon which a lien is  
claimed, is that certain parcel of land  
lying and being in the City of Crosby,  
County of Divide, State of North  
Dakota, and particularly described  
as follows:

Dated this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

/s/  
City Auditor, City of Crosby

e. Remedies. The City may use  
any other remedies permitted by law  
in recovery of its costs of abating such  
nuisance including small claims court,  
and district court actions.

11.0511 REMOVAL WITH PER-  
MISSION OF OWNER OR OC-  
CUPANT

If within ten days after receipt of  
notice from the City Auditor, or his  
duly authorized agent, to abate the  
nuisance, as herein provided, the  
owner or occupant of the premises  
shall give his written permission to  
the city Auditor, or his duly authorized  
agent for removal of the junked motor  
vehicle from the premises, the giving  
of such permission shall be considered  
compliance with the provisions of  
Section 11.0507.

11.0512 DISPOSAL OF JUNKED  
VEHICLES

If such public nuisance is not  
abated by said owner or occupant after  
notice is given in accordance with  
this ordinance, official action shall be  
taken by the City of Crosby to abate  
such nuisance. Junked vehicles or  
parts thereof may be disposed of by  
removal to a scrap yard, demolishers,  
or any suitable site for processing as  
scrap or salvage.

11.0513 APPLICATION

Nothing in this article shall affect  
ordinances that permit immediate  
removal of a vehicle left on public  
property which constitutes an obstruc-  
tion to traffic.

11.0514 ALTERNATIVE AC-  
TIONS AVAILABLE; VIOLA-  
TION AN INFRACTION; CON-  
TINUING VIOLATIONS A MIS-  
DEMEANOR

Nothing in this article shall be  
deemed to prevent the City Council  
from ordering the commencement of  
a civil proceeding to abate a public  
nuisance pursuant to applicable law  
or from pursuing any other remedy  
available under applicable law. Viola-  
tion of the provisions of this article  
constitutes an infraction, for which  
a fee of up to Five Hundred Dol-  
lars may be assessed per each day  
violation continues. Violations which  
constitute infractions which occur for  
more than three days, shall constitute  
an offense with a penalty or fine of  
up to One Thousand Dollars and/or  
jail sentence of up to thirty days for  
each violation exceeding the three  
infractions.

11.0515 REPLACEMENT OF  
PREVIOUS ORDINANCE

This ordinance is being passed to  
replace and supersede Ordinance 305  
of the City of Crosby City Ordinances.

Dated this 2nd, day of February,  
2026.

CITY OF CROSBY  
/s/ James Jacobs, Mayor  
James Jacobs, Mayor  
ATTEST;

/s/ Alexa Kruger, City Auditor  
Alexa Kruger, City Auditor  
First Reading: January 5th, 2026  
Second Reading: February 2nd,  
2026

Adoption: February 2nd, 2026  
Publication of penalty provisions:  
February 11th, 2026

NOTICE OF CALL FOR BIDS

Crushing and Stockpiling  
Gravel

Notice is hereby given that the  
Board of County Commissioners of  
Divide County, North Dakota, will  
receive sealed bids at the office of  
the County Auditor up to the hour  
of 11:40 a.m. on March 3, 2026, for  
Crushing and Stockpiling Gravel.  
Said gravel shall meet the specifica-  
tions provided by Divide County  
Road Department for a Modified  
Class 13. Contact Bryan Haugenoe-  
Road Foreman at 701-965-6522. The  
county owns any rock screened off.  
If jaws are needed, please include  
price. Please include cone size capa-  
bility of crusher. Bid in tons. Three  
random samples shall be taken for  
each 10,000 ton of material produced.  
These samples shall be submitted to a  
certified testing laboratory for grada-  
tion testing and these costs of testing  
will be provided by the contractor.  
The contractor will be required to  
take the samples during production  
(appx. 1/3 intervals), submit for

NOTICE OF CALL FOR BIDS

Dust Control

The Board of County Commis-  
sioners of Divide County, North  
Dakota, will receive bids at the office  
of the County Auditor up to the hour  
of 11:20 a.m. on March 3, 2026 for  
furnishing the County with the fol-  
lowing:  
Calcium or Magnesium Chloride  
(Specifications available from  
Bryan Haugenoe-Road Foreman)  
Bids to be for a one year period

NOTICE OF HEARING

filed herein a Petition for For-  
mal Probate of Will and Appoint-  
ment of Personal Representative.  
2. The hearing will be held on March  
13, 2026, at 11 :00 o’clock a.m., at  
the Courtroom of said Court at the  
Divide County Courthouse in the  
city of Crosby, County of Divide,  
State of North Dakota. Any persons  
having an interest may file an objec-  
tion stating why said petition should  
not be granted. Such objections, if  
any, must be in writing, filed with  
the Court and copies served by mail  
on all interested persons.

Dated this 22nd, day of January,  
2026.

Fredrikson & Byron, P.A.  
/s/ Amy L. Jensen  
Amy L. Jensen #06597, Attorney  
Email: ajensen@fredlaw.com

NOTICE OF CALL FOR BIDS

Cutting Edges

Notice is hereby given that sealed  
bids will be received by the Board of  
Commissioners for Divide County,  
North Dakota, up to the hour of 11:10  
A.M., March 3, 2026. At the office  
of the County Auditor for a period of  
one year commencing April 1, 2026.  
For furnishing the County a ¾” x  
6” with a ¾” hole, 4” Curved inlay  
Tungsten Carbide motor grader cut-  
ting edges to fit 16” moldboard. Also,  
bid one set of Scarifier Blades with  
¾” x 6” with ¾” hole and carbide bits  
with cover blades.

NOTICE OF CALL FOR BIDS

Equipment Rental  
and Custom Hire

Notice is hereby given that sealed  
bids will be received by the Board  
of County Commissioners, Divide  
County, at the office of the County  
Auditor until 11:00 a.m., March 3,  
2026, for Equipment Rental and Cus-  
tom Hire on a work performed basis  
or an hourly basis for maintenance,  
construction, and repair work pertain-  
ing to roads and drainage facilities in  
the County. Hauling gravel can also  
be by the mile and should include an  
amount for loading.

Bids shall be for the calendar year  
2026 on an as needed basis.

All equipment for rent or hire shall

be listed by model, age, and rating  
or capacity. All bids shall include  
operators, supervisory personnel, and  
common labor hourly pay schedule;  
liability and Workers compensation;  
North Dakota Contractors license  
number and class shall appear on the  
bid or envelope containing the bid.

The Board of County Commis-  
sioners reserves the right to reject any  
or all bids in the best interest of the  
County and to waive any irregulari-  
ties therein.

By order of the Board of County  
Commissioners, dated this 20 day of  
January, 2026.

Gayle Jastrzebski  
Divide County Auditor

NOTICE OF PUBLIC HEARING

Please take notice that the City of  
Crosby Planning and Zoning Com-  
mission has received an application  
from Sierra Schneider for a Condi-  
tional Use Permit to locate a com-  
mercial business on a residentially  
zoned lot described as Crosby City-  
Holmes Block 1 Lots 8 & 9 of the  
City of Crosby, Divide County, North  
Dakota, and hereby sets a date for a  
public hearing on said Application  
for Conditional Use Permit before  
final recommendation for consider-  
ation by the Crosby City Council.

The hearing will be held on Mon-  
day, February 23rd, 2026 at 4:30 p.m.  
at Crosby City Hall located at 15  
West Central Avenue, Crosby, North  
Dakota 58730. Any person wishing  
to comment on the Application for  
Conditional Use Permit may do so  
orally or in writing at the time of the  
hearing.

By Order of the Planning & Zon-  
ing Commission  
CITY OF CROSBY  
Alexa Kruger, Auditor