

**N.D.A.G. Letter to Crary (Jan. 24, 1985)**

January 24, 1985

Mr. Paul T. Crary  
City Attorney  
City of Walhalla  
P.O. Box 115  
Walhalla, North Dakota 58282

Dear Mr. Crary:

Thank you for your letter of January 9, 1985, concerning the issuance of a city building permit.

In reviewing N.D.C.C. Title 40, we are able to find only two mentions of building codes and building permits. N.D.C.C. § 40-05-01(1), states that a municipal governing body may adopt by ordinance the conditions, provisions, and terms of, among others, a building code. N.D.C.C. § 40-05-02(6), specifically authorizes a city governing body to provide by ordinance for the issuance of building permits.

Other than these two particular statutes, there are no other state laws in North Dakota regulating the conditions under which a building permit may be issued. All that state law has done is authorize the city governing body to take such steps which are necessary to adopt a building code and to issue a building permit.

As state law does not provide for the conditions under which a building permit may be issued by a city, other than to authorize its general issuance, we are unable to answer your question. Instead, we believe that the answer to your questions would lie with the city ordinance and the specific language which dictates the manner in which a building permit may be issued.

Sincerely,

Nicholas J. Spaeth

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