

N.D.A.G. Letter to Mehrer (Aug. 6, 1990)

August 6, 1990

Mr. Owen K. Mehrer
Stark County State's Attorney
P.O. Box 130
Dickinson, ND 58601

Dear Mr. Mehrer:

Thank you for your letter of July 12, 1990, inquiring about the provisions of N.D.C.C. § 40-01-08, which states that "[n]o person may remove a building from any lot or tract of land in any municipality, unless it is assessed as personal or exempt from taxation, until after the taxes and special assessments then due have been paid, . . ."

Specifically, you wish to know whether the word "person" in the above-quoted provision includes a county and whether the word "remove" in that provision includes the destruction of a building.

N.D.C.C. § 1-01-28 provides that "[t]he word 'person,' except when used by way of contrast, includes not only a human being, but a body politic or corporate."

Under North Dakota law, each county is designated as a body corporate for civil and political purposes. N.D.C.C. § 11-10-01. United Accounts, Inc. v. Dachtler, 100 N.W.2d 93, 94 (N.D. 1959). When a word is defined by statute, that definition must be used when construing the meaning of that word in a similar statute. Larson v. Baer, 418 N.W.2d 282, 289 (N.D. 1988). Therefore, it is my opinion that the word "person" in the above-quoted provision from N.D.C.C. § 40-01-08 includes a county.

When a word is not explained by statute, it is to be understood in the ordinary sense. N.D.C.C. §§ 1-02-02 and 1-02-03. When "remove" is used as a verb, it generally means "to move by lifting, pushing aside, or taking away or off." Webster's Third New International Dictionary 1921 (1971). It is my opinion that if a building is destroyed, it is effectively removed from the lot or tract of land upon which it was located. Therefore, it is my further opinion that the word "remove" in the above-quoted provision from N.D.C.C. § 40-01-08 includes the destruction of a building.

I hope that this answers your inquiry.

Sincerely,

Nicholas J. Spaeth

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