

N.D.A.G. Letter to Dill (Dec. 14, 1987)

December 14, 1987

Mr. Glenn Dill
City Attorney
P.O. Box 876
Kenmare, ND 58746

Dear Mr. Dill:

Thank you for your letter of December 7, 1987, inquiring as to any residency requirements which may be applicable to persons appointed to a city planning commission by the mayor.

As you point out in your letter, N.D.D.C. § 40-48-03 provides that the executive officer of a city, with the approval of its governing body, may appoint no more than ten members to a city planning commission. There is no mention in this statute as to any residency requirements for those persons appointed to the city planning commission.

North Dakota law does provide residency qualifications for certain municipal officers. N.D.C.C. § 40-13-01 states that no person shall be eligible to hold an elective municipal office unless he is a qualified elector of the municipality and unless he has been a resident thereof for at least nine months before the election. That same statute provides the eligibility requirements for an appointive office. The only requirement is that the person appointed to a municipal office be a citizen of the United States. Membership on the city planning commission is a result of an appointment rather than an election. Thus, the only qualification for such appointive offices is that the appointees be citizens of the United States. No city residency requirement applies to such appointive officers.

In conclusion, there is no statutory residency requirement for persons appointed to a city planning commission.

Sincerely,

Nicholas J. Spaeth

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