

Bond Case Briefs

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PUBLIC NUISANCE - NORTH DAKOTA

State ex rel. City of Marion v. Alber

Supreme Court of North Dakota - October 22, 2013 - N.W.2d - 2013 ND 189

City brought nuisance action against property owner, and obtained order requiring owner to remove or properly maintain abandoned vehicles on his property. Several years later, city brought contempt proceeding, alleging failure to conform to the order. The District Court found owner in contempt, ordered him to remove the nuisance vehicles, and awarded city attorney fees. Owner appealed.

The Supreme Court held that:

- Sufficient evidence that property owner could have complied with the order supported contempt finding;
- Sufficient evidence that property owner willfully failed to comply with the order supported contempt finding;
- Trial court's findings of fact and conclusions of law were sufficient; and
- Trial court's receipt of post-hearing evidence from city was not reversible error.