

CITY COUNCIL PROCEEDINGS
PUBLISHED SUBJECT TO THE GOVERNING BODY'S REVIEW AND REVISION

A regular meeting of the Beach City Council was called to order by President Andy Zachmann on June 2, 2025 at 7:00 p.m. Present when the meeting was called to order was City Council Tom Marman, Lynn Swanson-Puckett, Sarah Ross, John Stonehocker (via telephone), Bev Wolff, Public Works Superintendent Randy Dietz, City Auditor Kimberly Gaugler, Administrative Assistant Lea Massado, Engineers Zac Ranisate and Holden Hammerlund, and guests Gary Howard, Corlene Olson, Carl Strum, and Karl Davis.

The Pledge of Allegiance was recited.

Roll call was taken. Mayor Walter Losinski was absent.

Public Participation

Josh Barthel inquired on the process for purchasing lots owned by the city. Barthel was informed that a sealed bid containing legal description, price offered and proposed use should be submitted to City Hall. The sealed bid would then be opened at the next regular meeting.

Additions or Corrections to the Agenda and Approval

President Zachmann called for any additions or corrections to the agenda. Gaugler requested adding an Application for Special Event Permit, Correspondence from Lincoln Elementary Principal Lynn Swanson and a Request to Barricade a Street for a Community Event. Wolff moved to approve the agenda with the additional items, second by Ross. Motion carried unanimously.

Minutes

Minutes of the meeting on May 19, 2025 were presented. Ross moved to approve the minutes as presented, second by Wolff. Motion carried unanimously.

Vouchers

Vouchers were reviewed for payment. Swanson-Puckett moved to approve the vouchers presented, second by Wolff. Motion carried unanimously.

24837 ADAPCO, LLC 854.80

24838 Advanced Engineering & Environmental Services 107,165.61

24839 Baker Metal & Recycling Inc. 290.40

24840 Beach Park Board 6,423.95

24841 Beach Volunteer Fire Department 2,536.85

24842 Bobcat of Mandan 287.36

24843 BOSS Office Products 4.99

24844 City of Beach 6,460.00

24845 CNH Industrial Capital Productivity Plus 37.41

24846 Cooperative Legal Services, PLLC 2,310.00

24847 Coral Creek Landfill 2,358.65

24848 Farm and Ranch Builders LLC 2,165.00

24849 First State Bank of Golva 1,541.70

24850 Five D Industries 7,545.00

24851 G & G Garbage LLC 1,800.00

24852 Golden Valley County 9,945.46

24853 Golden Valley County Garden Club 50.00
24854 Greysen Stedman 45.00
24855 Jill Schatz 45.00
24856 John Deere Financial 2.61
24857 Mid-American Research Chemical 117.34
24858 Montana Dakota Utilities 5,614.62
24859 Noll Construction LLC 2,365.20
24860 Point CPA 5,000.00
24861 Railroad Management Company 834.01
24862 Randall Dietz 80.24
24863 Rob Curl 720.00
24864 Rohan's Hardware 255.44
24865 Sandy Baertsch 300.00
24866 Sentinel Butte Recreation District 1,000.00
24867 Southeast Garbage LLC 602.00
24868 Southwest Water Authority 16,899.73
24869 Southwestern District Health Unit 100.00
24870 Stockwell Cleaning 175.00
24871 Terracon Consultants, Inc. 13,300.00
24872 Thomas Littlecreek 55.70
24873 Verizon Wireless 255.34
24822 City of Beach 522.85
24823 Unum Life Insurance 69.93
24824 Golden Valley County Airport Authority 500.00
24825 Golden Valley Manor 500.00
24826 USPS 227.79
24820-24821, -87445-87439, 24827-24834, -87437-87424 May Payroll 37,057.36
24835 City of Beach 554.65
24836 Blue Cross Blue Shield 8,838.50
24595 Unum Life Insurance 63.90
-87438 First State Bank of Golva 3,600.45
-87423 First State Bank of Golva 4,094.55
-87422 ND PERS 5,042.26

Wolff moved to amend the City Sales Tax Infrastructure from \$210,000 to \$300,000 due to increased expenses associated with infrastructure projects, second by Ross. Motion carried unanimously.

Engineer's Report

Engineer Ranisate reviewed his written report. **2nd Street Culvert Crossing** - FEMA and State confirmed that they cannot consider the ditch grading on the south side of the culverts as part of the project until the original scoped project is completed. **2025 Street and Utility Project** – last week, watermain and service connections through 4th Avenue and two blocks on 6th Avenue were installed. This coming week, watermain and service connections will be installed along 6th Avenue and then back to 5th Avenue. Knife River is scheduled to start paving on June 18th. Ranisate presented Application for Payment #2 to BEK Consulting in the amount of \$1,580,666.50. Ross moved to approve Application for Payment #2, second by Swanson-Puckett. Motion carried unanimously. **Sidewalk Replacement** – Ranisate presented a map of additional sidewalk and ADA ramps identified within the project area that would benefit from replacement. This would

potentially increase our street loan amount an estimated \$420,000. Council consensus was these improvements could be done in a future special assessment project. Marman moved to approve adding a valley gutter at the intersection of 5th Avenue and 1st Street SE, second by Ross. Motion carried unanimously. **Sanitary Sewer Half Block Replacement on 1st Street SE** – At the request of a property owner, Ranisate presented a quote from BEK Consulting in the amount of \$36,800 to replace half of a block of sanitary sewer on 1st Street SE. Property owners receiving a direct benefit from the improvement could be special assessed the cost of the improvement if agreeing to do so.

Public Works Report

PWS Dietz reviewed his written report.

Auditor's Report

Gaugler reviewed her written report. Swanson-Puckett moved to approve wages for Tourist Information Staff Jan Kuchera - \$17/hr and Maria Marman - \$15/hr, second by Wolff. Motion carried unanimously.

Unfinished Business

Marman moved to approve the Second Reading of Ordinance 397 striking out the following: Storage containers, as defined herein, may be permitted in R-1 and R-2 zones as a temporary use, so long as the required temporary use permit is obtained. Second by Swanson-Puckett. Motion carried unanimously.

ORDINANCE NO. 397

AN ORDINANCE ADDING SECTION 19.0407 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA, REGARDING USE OF STORAGE CONTAINERS WITHIN THE CITY LIMITS OF THE CITY OF BEACH, AS HEREINAFTER SET FORTH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH, NORTH DAKOTA, AS FOLLOWS:

Section 1: Section 19.0407 entitled “STORAGE CONTAINERS” is hereby added and enacted as follows:

19.0407 STORAGE CONTAINERS – Storage Containers shall be defined as container units that are used for storage purposes, also known as shipping containers, cargo containers, cargo-trailer containers, metal freight containers, metal containers designed for freight and cargo, and the like. This definition does not include dumpsters actively used for solid waste or recycling collection, construction trailers, containers being used at an active job site, or trailers normally associated with private use such as stock car trailers, boat trailers, utility trailers, campers, or other similar equipment. Containers defined herein may be utilized as permitted uses in the following types of zones: C-1 Commercial, C-2 Highway Commercial, Industrial, as well as a Conditionally Permitted Use in PUD zones in accordance with the requirements of PUD zones. Storage containers, as defined herein, may be permitted in R-1 and R-2 zones as a temporary use, so long as the required temporary use permit is obtained. Any person violating any portion of this Section shall be subject to the

penalties described in this Chapter, including 19.0605-2.

Section 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Ordinance shall continue in full force and effect.

Section 4: Effective Date. This Ordinance shall be in full force and effect from and after final passage.

ATTEST:

Andy Zachmann, Council President

Kimberly Gaugler, City Auditor

First Reading: April 21, 2025

Second Reading: June 2, 2025

Final Passage:

ORDINANCE NO. 398

AN ORDINANCE REVOKING CURRENT CHAPTER XVIII, DEALING WITH FLOOD PLAIN BOUNDARIES, DEFINITIONS, REGULATIONS, AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH, NORTH DAKOTA, AS FOLLOWS:

SECTION 1: Chapter 18, Articles 1 through 6, inclusive. is hereby amend and re-enacted as follows:

18.0101. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

A. STATUTORY AUTHORIZATION

The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-47, 11-33 and 58-03, delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the City Council of Beach, North Dakota does ordain as follows:

18.0102. FINDINGS OF FACT

- i. The flood hazard areas of the City of Beach are subject to periodic inundation which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety, and general welfare.
- ii. Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.

18.0103. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- i. To protect human life and health;
- ii. To minimize expenditure of public money for costly flood control projects;
- iii. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- iv. To minimize prolonged business interruptions;
- v. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;
- vi. To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future flood blight areas;
- vii. To ensure that potential buyers are notified that property is in a special flood hazard area;
- viii. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

18.0104. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- i. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging

increases in erosion or in flood heights or velocities;

- ii. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- iii. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- iv. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- v. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

ARTICLE 2.0

DEFINITIONS

18.0201. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the City Auditor's interpretation of any provision of this ordinance or a request for a variance.

"Base flood or 100-year flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation" (BFE) means the height of the base flood or 100-year flood usually in feet, measured in the same datum (either NAVD88 or NGVD29) as the FIRM.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Best Available Information" (BAI) means water elevation information from any source used to estimate or determine a base flood elevation (i.e. high water mark).

"Community" means any political subdivision that has the authority to zone, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

"Conveyance or hydraulic conveyance" means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the special flood hazard area.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood Insurance Rate Map" (FIRM) means the official map issued by the Federal Emergency Management Agency where special flood hazard areas are designated as Zone A, AE, AO, AH, A1-A30 or A-99.

"Flood Insurance Study" (FIS) means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

"Flood" or **"flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or; from the unusual and rapid accumulation or runoff of surface waters from any source.

"Floodproofing" (Dry) means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight two feet above the base flood elevation with walls that are substantially impermeable to the passage of water.

"Floodway or regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Lowest floor" means the lowest floor of a structure including the basement.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle" but does include "mobile home".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“Person” means any person, firm, partnership, association, corporation, limited liability company, agency, or any other private or governmental organization, which includes any agency of the United States, a state agency, or any political subdivision of the state.

“Reasonably safe from flooding” means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

“Recreational vehicle” means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck;
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; including, but not limited to;
5. travel trailers, trailers on wheels, park-model trailers, and other similar vehicles.

“Special Flood Hazard Area” (SFHA) means an area of land that would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“Structure” means a walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Watercourse" means only the channel and banks of an identifiable watercourse, and not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the flood carrying capacity of the channel, except in the case of alluvial fans, where a channel is not typically defined. The definition of watercourse in N.D.C.C. § 61-01-06 is not applicable in this ordinance.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the community's floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

ARTICLE 3.0 GENERAL PROVISIONS

18.0301. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Beach.

18.0302. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the

City of Beach, dated September 19, 2025" with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall, Beach, North Dakota.

18.0303. COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

18.0304. GREATER RESTRICTIONS

This ordinance is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

18.0305. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

18.0306. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Beach, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

18.0307. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

ARTICLE 4.0 ADMINISTRATION

18.0401. ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any special flood hazard area established in Section 3.2. Application for a development permit shall be made on forms furnished by the City Auditor and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in the same datum (either NAVD88 or NGVD29) as the FIRM, of the lowest floor of all structures;
- (2) Elevation in the same datum (either NAVD88 or NGVD29) as the FIRM to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5.2-2; and,
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

18.0402. DESIGNATION OF THE CITY AUDITOR AS ADMINISTRATOR

The City Auditor is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

18.0403. DUTIES AND RESPONSIBILITIES OF THE CITY AUDITOR

Duties of the City Auditor shall include, but not be limited to:

18.0403-1. Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Approve or deny all applications for development permits required by adoption of this ordinance.
- (3) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- (4) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.4 are met.

18.0403-2. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS, the City Auditor shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available (known as best available information) from any other federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in the floodplain are administered in accordance with Section 5.2, SPECIFIC STANDARDS.

18.0403-3. Information to be Obtained and Maintained

- (1) Obtain and record the actual elevation (in the same datum (either NAVD88 or NGVD29) as the FIRM), of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
 - (i) obtain and record the actual elevation (in the same datum (either NAVD88 or NGVD29) as the FIRM), to which the structure has been floodproofed;
 - (ii) maintain the floodproofing certifications required in Section 4.1(3).
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

18.0403-4. Alteration of Watercourses

The responsible person shall:

- (1) Notify nearby communities, water resource districts, and the North Dakota Department of Water Resources, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and,
- (3) Notify the appropriate water resource district prior to removal or placement of fill within two hundred feet of the bank of a body of water during normal flow or stage.

18.0403-5. Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

Make interpretation where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

18.0403-6. Encroachment Analysis

When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

ARTICLE FIVE VARIANCE PROCEDURE

18.0501. APPEAL BOARD

- (1) The Beach City Council as established by the City of Beach, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Beach City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Auditor in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Beach City Council, or any taxpayer, may appeal such decision to the District Court, as provided in N.D.C.C. §§ 40-47-11, 11-33-12, or 58-03-14.
- (4) In passing upon such applications, the Beach City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre to less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors of Section 4.4-1(4) and the purposes of this ordinance, the Beach City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(7) The City Auditor shall maintain the records of all appeal actions the report any variances to the Federal Emergency Management Agency upon request.

18.0502. CONDITIONS FOR VARIANCES

- (1) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (2) Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the

minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public as identified in Section 4.4-1(4), or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE 6.0 **PROVISIONS FOR FLOOD HAZARD REDUCTION**

18.0601. GENERAL STANDARDS

In all special flood hazard areas the following standards are required:

18.0601-1. Anchoring

- (1) All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

18.0601-2. Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

18.0601-3. Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

18.0601-4. Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

18.0602. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation data have been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS or Section 4.3-2, Use of Other Base Flood Data, the following provisions are required:

18.0602-1. Residential Construction

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.

18.0602-2. Nonresidential Construction

Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities shall:

- (1) Be floodproofed to at least two feet above the base flood elevation, so that below this elevation the structure is watertight with walls substantially

impermeable to the passage of water.

- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 4.3-3(2).

18.0602-3. Manufactured Homes

- (1) Require all manufactured homes placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (2) Require all manufactured homes placed or substantially improved within Zones A 1-30, AH, or AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision which has incurred substantial damage, be elevated on a permanent foundation so the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
- (3) Require that manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A 1-30, AH, or AE not subject to other requirements of this section be elevated so that either:
 - (i) the lowest floor of the manufactured home is one foot above the base flood elevation, or
 - (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36" in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

18.0603. RECREATIONAL VEHICLES

In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must:

- (i) be elevated and anchored to meet the requirements in 5.2-3; OR
- (ii) be on the site for less than 180 consecutive days; AND
- (iii) be fully licensed and highway ready

18.0604. SHALLOW FLOODING AO AND AH ZONES (Section 5.3 is only required if the community has Flood Zones AO and/or AH on the effective FIRM)

Located within the areas of special flood hazard established in Section 3.2, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated one foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of **non-residential** structures;
 - (i) have the lowest floor (including basement) elevated one foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard as specified in Section 5.2-2.
- (3) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

18.0605. FLOODWAYS

Located within the special flood hazard areas established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Any increase, as is used in this section, means any modeled impact greater than 0.00 feet.
- (2) If Section 5.4 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction requirements of this ordinance.

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- (3) Under the provisions of 44 CFR Section 65.12 of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

18.0606. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic entry and exit of floodwaters.

ARTICLE 7.0 VIOLATIONS

18.0701. PENALTIES FOR VIOLATIONS

- (1) Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or conditional uses, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be punished by a fine not exceeding \$500 or by imprisonment not to exceed 30 days or by both such fine and imprisonment for each such offense, and in addition shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (2) Nothing herein contained shall prevent the Beach City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 4: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

ATTEST:

Andy Zachmann, Council President

Kimberly Gaugler, City Auditor

First Reading: June 2, 2025
Second Reading:
Final Passage:

Wolff moved to approve Resolution 2025-16, second by Swanson-Puckett. Motion carried unanimously.

RESOLUTION NO. 2025-16

**A RESOLUTION SETTING AUDITOR BOND LIMIT FOR THE
CITY OF BEACH, NORTH DAKOTA**

WHEREAS, the City of Beach is covered by a blanket bond by the North Dakota State Bond Fund; and,

WHEREAS, the North Dakota State Bonding Fund provides fidelity bond coverage for city employees and public officials in dealing with public funds; and,

WHEREAS, the bond is fixed by the city governing body and set by resolution as outlined in NDCC §40-13-02; and,

WHEREAS, at the June 2, 2025 regular city council meeting of the Beach City Council the current bond limits were reviewed and found to be sufficient.

NOW, THEREFORE, be it resolved by the City Council of the City of Beach, North Dakota, that the Auditor Bond coverage by the State Bonding Fund in the amount of Nine Hundred Twenty-One Thousand Eight Hundred Twenty-Eight Dollars (\$921,828.00) has been reviewed and found sufficient.

Andy Zachmann, Council President

ATTEST:

Kimberly Gaugler, City Auditor

Correspondence was read from Sentinel Butte Recreation District and an Application for Community Enhancement Funds reviewed. Ross moved to donate \$1,000 from the Community Enhancement Fund, second by Marman. Motion carried unanimously.

An Application for Local Permit-Raffle Board submitted by Golden Valley County Fair Association was reviewed. Swanson-Puckett moved to approve, second by Ross. Motion carried unanimously.

An Application for a Special Event Permit submitted by Dobre Brewhouse was reviewed. Ross moved to approve, second by Wolff. Motion carried unanimously.

Correspondence was presented from Lincoln Elementary Principal Lynn Swanson regarding a donation provided for the 2 by 2 Character Education Program.

A request to temporarily barricade Main Street between Central Avenue and 1st Avenue SE on June 21st for a community event from 5pm-1am was read. Swanson-Puckett moved to approve the request, second by Marman. Motion carried unanimously.

No other business was brought forward. Ross moved to adjourn, second by Swanson-Puckett. Meeting adjourned at 8:10 p.m.

ATTEST:

Andy Zachmann, Council President

Kimberly Gaugler, City Auditor