

ORDINANCE NO. 405

AN ORDINANCE AMENDING AND RE-ENACTING BEULAH CITY ORDINANCE NO. 301 PROVIDING FOR THE REGULATION OF THE SURFACING OF DRIVEWAYS, OFF-STREET PARKING AREAS AND BOULEVARDS WITHIN THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, AS FOLLOWS:

THAT BEULAH CITY ORDINANCE NO. 301 BE AMENDED AND RE-ENACTED TO READ AS FOLLOWS:

- DRIVEWAY AND OFF-STREET PARKING INSTALLATION.** Any person installing or maintaining a driveway or off-street vehicle parking area, whether or not on private property, the surfacing placed shall be concrete, asphalt, recycled concrete, recycled asphalt, or aggregate. Any surface must be placed to properly drain, and any granular surface shall not be placed at grades exceeding 3%. The quality and quantity of any granular surface shall meet the requirements shown later in this section, and shall be compacted to form a tightly-bound, dust-free surface. Except in areas zoned Residential 6 (R6) or Agricultural (A), the use of scoria as a sub-base or surface material for roads, driveways, parking pads, parking lots, or for any other use shall be strictly prohibited within the city limits of the City of Beulah. Any roads, driveways, parking pads, parking lots or any other areas located in areas zoned other than Residential 6 (R6) or Agricultural (A) which currently have scoria as a surface material may not be replenished with scoria following the passage of this Ordinance.

Granular Surfacing Requirements:


<u>Sieve Size</u> <u>% Passing</u>	<u>Recycled Concrete</u>	<u>Recycled Asphalt</u>	<u>Aggregate</u>
1 1/2"	100		
1 1/4"		100	100
1"	95-100	95-100	
3/4"			70-90
3/8"	20-55	30-80	
No. 4			38-75
No. 8			22-62
No. 30			12-45
No.200			7-15
Plasticity Index	N/A	N/A	4 to 12
Thickness (Min.)	3"	4"	2"

2. BOULEVARD IMPROVEMENT. All persons shall be responsible for maintaining the boulevard area adjacent to their private property. The boulevard area is that area between the curb of the street and the owner's property line. Acceptable surfaces for boulevard areas shall be grass of the type commonly used in North Dakota yards, concrete, gravel, or landscaping stones. Trees and shrubs may also be located in the boulevard area so long as they do not obstruct vision or threaten safety of vehicles or pedestrians or obstruct effective snow removal. The use of scoria as either a sub-base material or a surface material for boulevards shall be absolutely prohibited within the city limits of the City of Beulah. Driveways and concrete sidewalks may be constructed in accordance with the regulations provided by the City of Beulah.
3. BUILDING PERMIT REQUIRED. Any person making improvements under Sections 1. and 2. above shall be required to obtain a building permit from the City prior to making said improvements.
4. PENALTY SECTION. Any person who violates or fails to comply with any part of this Ordinance shall be guilty of an infraction, and may be subject to a fine not to exceed Five Hundred Dollars (\$500.00), and a separate infraction may be deemed committed for each day that a person is in violation of any part of this Ordinance.
5. ORDINANCE IN CONFLICT. All Ordinances or parts of Ordinances in conflict herewith are hereby appealed.
6. EFFECTIVE DATE. The Ordinance shall be in full force and effect after its final passage and approval and publication of its title and penalty clause.

DATED This 5th day of August, 2013.


DARRELL R. BJERKE, Mayor

ATTEST:


HEATHER FEREBEE, City Auditor

First Reading: July 15, 2013
Second Reading: August 5, 2013
Final Passage: August 5, 2013
Publication Date: October 24, 2013


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4. **PENALTY SECTION.** Any person who violates or fails to comply with any part of this Ordinance shall be guilty of an infraction, and may be subject to a fine not to exceed Five Hundred Dollars (\$500.00), and a separate infraction may be deemed committed for each day that a person is in violation of any part of this Ordinance.

The title and penalty section of the above Ordinance is published in accordance with the Laws of the State of North Dakota.

Dated this 18 day of October, 2013.


HEATHER FEREBEE, CITY AUDITOR
CITY OF BEULAH