ORDINANCE NO. 460

AN ORDINANCE AMENDING AND RE-ENACTING THE ZONING ORDINANCE OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA SPECIFICALLY WITH REGARD TO CHAPTER 6, SECTION 6.15 BUILDING CODE ADOPTION, SECTION 6.16 BUILDING CODE DEVIATION, AND SECTION 6.17 BUILDING CODE MODIFICATIONS BY THE CITY OF BEULAH; CHAPTER 10, SECTION 10.1 DISTRICT ZONING MAP REVISIONS, SECTION 10.2 ZONING ORDINANCE TEXT AMENDMENTS, AND SECTION 10.3 COMPREHENSIVE PLAN LAND USE MAP AMENDMENTS; CHAPTER 9, SECTION 9.00535 CONTRACTOR, SECTION 9.00595 CURVED SIDEWALL BUILDING, SECTION 9.01035 INTERMODAL CONTAINER, SECTION 9.02005 SKID FOUNDATION, AND SECTION 9.02185 TENSION FABRIC STRUCTURE; CHAPTER 5, SECTION 5.12 (C) EXPIRATION; CHAPTER 4, SECTION 4.91 DWELLING UNITS, SECTION 4.92 COMMERCIAL UNITS, SECTION 4.93 NON-COMMERCIAL AND ACCESSORY UNITS, SECTION 4.94 BUILDING AND ACCESSORY STRUCTURES UTILIZING SKID FOUNDATIONS, AND SECTION 4.95 BUILDINGS AND ACCESSORY STRUCTURES UTILIZING OTHER THAN SKID FOUNDATIONS; CHAPTER 6, SECTION 6.10 ENFORCEMENT; CHAPTER 1, SECTION 1.03 CHAPTER SUMMARIES; CHAPTER 1, SECTION 1.10 WHO IS THE BUILDING OFFICIAL?; CHAPTER 2, SECTION 2.4 (Q) SPECIFIC STANDARDS; AND CHAPTER 2, SECTION 2.5 USE TABLE WITH RESPECT TO BAKERIES AND IN HOME BUSINESSES.

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

THAT THE ZONING ORDINANCE OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA BE AMENDED AND RE-ENACTED WITH RESPECT TO THE FOLLOWING:

1. THAT CHAPTER 6, SECTION 6.15 BUILDING CODE ADOPTION BE ENACTED AS FOLLOWS:

Section 6.15 Building Code Adoption

The City of Beulah hereby adopts the State of North Dakota Building Code as may be amended from time to time. The State of North Dakota Building Code with the modifications listed in Section 6.17 shall be known as the Beulah Municipal Building Code.

The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, uses, height, area, and maintenance of buildings or structures in the City of Beulah shall meet the provisions of the rules and regulations contained in the Beulah Municipal Building Code.

Conformance with these codes will be administered by the City of Beulah through its officers, employees and agents.
The current version of the following codes is also adopted by the City of Beulah and has the same coverage as outlined earlier.

a. The Standards for Electrical Wiring and Equipment, as contained in North Dakota Administrative Code Title 24.1, Article 24.1-06. Conformance with this code will be administered by the appropriate State of North Dakota agency.

b. The State Plumbing Code, as contained in North Dakota Administrative Code Title 62, Article 62-03.1. Conformance with this code will be administered by the appropriate State of North Dakota agency.

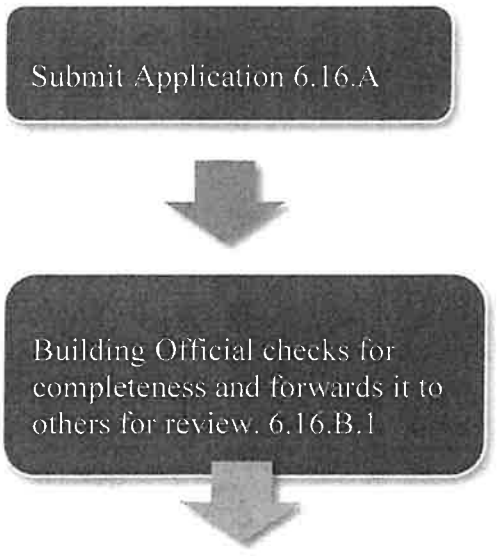
c. The State Fire Code, as contained in the rules of the state fire marshal as set forth in North Dakota Administrative Code Title 45, Article 45-18, Chapter 45-18-01. Conformance with this code will be administered by the City of Beulah Fire Department Chief.

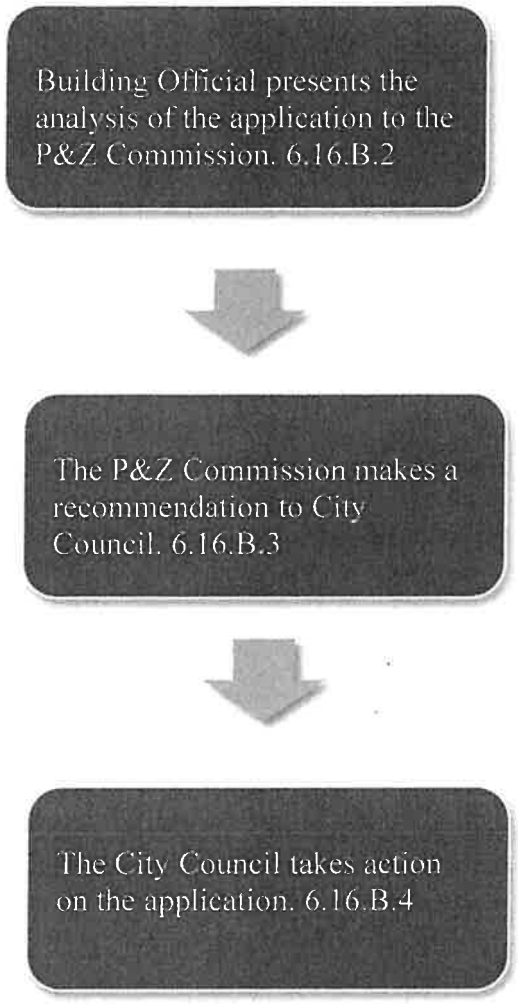
2. THAT CHAPTER 6, SECTION 6.16 BUILDING CODE DEVIATION BE ENACTED AS FOLLOWS:

Section 6.16 Building Code Deviation

There are occasions where the building codes may not be applicable, advisable, or an alternate approach is acceptable. An applicant can request a deviation in the building code requirements using the following procedure. This procedure cannot be used for the Standards for Electrical Wiring and Equipment (State Electrical Code), the State Plumbing Code, or the State Fire Code as those codes are not administered by the City.

Divergence Procedure
(see following text in red for detail)





(A) Submit Application

(1) Application

Deviation applications shall be submitted to the Building Official on the appropriate form along with a non-refundable fee that has been established by a resolution of the City Council.

2) Processing Requirements

In addition to the required fee, the submittal checklist provided in section 6.16.A.3 lists all other required items.

(3) Application Checklist

(a) Written statement listing the building code section(s) that are the subject of the deviation.

(b) Written statement outlining why the current building code requirements should be modified.

(c) Written statement with the proposed alternative to the current building code requirements.

All of these items can be combined into one document.

(B) Review and Action

(1) The Building Official will review the application for completeness and forward the application to the City Engineer or other agent of the City deemed qualified to review the same.

(2) The Building Official will present the analysis by the City Engineer or other agent of the City of the deviation request to the P&Z Commission with a recommendation.

(3) The P&Z Commission will thereafter make a recommendation to the City Council to approve or deny the application. The action upon the application may also be tabled by the P&Z Commission in order to allow for additional information requested of the applicant. The P&Z Commission will use the analysis provided by the City Engineer or other agent of the City as guidance to determine if a deviation should be approved.

(4) The City Council will act to approve or deny the application. The action upon the application may also be tabled by the City Council in order to allow for additional information requested of the applicant. The City Council will use the analysis provided by the City Engineer or other agent of the City along with input from the P&Z Commission as guidance to determine if a deviation should be approved.

3. THAT CHAPTER 6, SECTION 6.17 BUILDING CODE MODIFICATIONS BY THE CITY OF BEULAH BE ENACTED AS FOLLOWS:

Section 6.17 Building Code Modifications by the City of Beulah

This section covers items not covered in the building codes or having different requirements that the building codes call for.

1) Metal roofs are allowed in all zoning districts. Galvanized finished roofs are permitted in the I and IH zoning districts only.
2) Structures must have vertical sidewalls. Curved sidewalls or "Quonset" style building are permitted in the I and IH zoning districts only. Designs utilizing walls other than vertical as part of an architectural design will be evaluated on a case by case basis.
3) An intermodal container, often called a shipping container or CONEX box when used as a storage container is considered a temporary use and requires re-permitting

on an annual basis. If these are used for other purposes, such as an accessory building or a dwelling unit, an approved foundation is required.

4) Building permits for tension fabric buildings or tension fabric structures will not be granted under any circumstance.

4. THAT CHAPTER 10, SECTION 10.1 DISTRICT ZONING MAP REVISIONS, SECTION 10.2 ZONING ORDINANCE TEXT AMENDMENTS, AND SECTION 10.3 COMPREHENSIVE PLAN LAND USE MAP AMENDMENTS BE AMENDED AND RE-ENACTED AS FOLLOWS:

Section 10.1 District Zoning Map Revisions

1) Application ZMA-2021-1, approved by City Council on 12/8/2021 by Ordinance 442
2) Application ZMA-2022-1, approved by City Council on 4/13/2022 by Ordinance 446

Section 10.2 Zoning Ordinance Text Amendments

1) No application (*) approved by City Council on April 5, 2021 by Ordinance 437
2) No application (*), approved by City Council on August 4, 2022 by Ordinance 448
3) No application (*), denied by City Council on August 24, 2022 by Ordinance 449
4) Application TA-2022-1, approved by City Council on September 12, 2022 by Ordinance 450
5) Application TA-2024-1, approved by City Council On May, 19, 2025 by Ordinance 460

(*) An acceptable text amendment procedure did not exist in the Zoning Ordinance at this time.

Section 10.3 Comprehensive Plan Land Use Map Amendments

1) None to date

5. THAT CHAPTER 9, SECTION 9.00535 CONTRACTOR, SECTION 9.00595 CURVED SIDEWALL BUILDING, SECTION 9.01035 INTERMODAL CONTAINER, SECTION 9.02005 SKID FOUNDATION, AND SECTION 9.02185 TENSION FABRIC STRUCTURE DEFINITIONS BE ENACTED AS FOLLOWS:

9.00535 Contractor

The Contractor is the individual or entity performing the work covered by a Building Permit. For non-commercial uses that the owner lives in and/or uses for his/her own personal use, the owner can choose to be the Contractor. For this situation only, if the owner chooses to function as a Contractor, there are no licensing requirements. For any other case where an entity other than the owner is acting as the Contractor, any non-commercial uses with a Building Permit value of more than $4,000 requires the Contractor performing the work covered under the Building Permit to be licensed. For all commercial projects any Contractor requires a Contractor's license issued by the State of North Dakota. The Contractor's license required is dependent on the dollar value stated on the building permit application. Specifically:

1) The holder of a class A license is subject to no limitation as to the value of any single contract project.
2) The holder of a class B license is not entitled to engage in the construction of any
single contract project of a value in excess of five hundred thousand dollars.
3) The holder of a class C license is not entitled to engage in the construction of any
single contract project of a value in excess of three hundred thousand dollars.
4) The holder of a class D license is not entitled to engage in the construction of any
single contract project of a value in excess of one hundred thousand dollars.

Contractors are required to have insurance and bond requirements for working in the City right of way for projects exceeding $1000.

9.00595 Curved Sidewall Building

A curved sidewall building is typically a lightweight prefabricated structure of corrugated galvanized steel with a semi-circular cross-section. A Quonset is an example of such a building.

9.01035 Intermodal Container

An intermodal container, often called a shipping container, (or simply "container") is a large metal crate designed and built to ISO 668 standards for intermodal freight transport. These are sometimes called a CONEX container or box even though the term is not technically correct.

9.02005 Skid Foundation

A skid foundation is a type of foundation for outdoor buildings that uses timbers or metal structural shapes, or skids, to support the building's floor frame. The skids typically sit on some method of protection such as gravel, a concrete slab, piers, concrete pavers, or the equivalent for corrosion or rotting protection.

9.02185 Tension Fabric Structure

Tension fabric buildings or tension fabric structures are structures using a rigid frame which can consist of timber, steel, rigid plastic, or aluminum and a sturdy fabric outer membrane. Once the frame is erected, the fabric cover is stretched over the frame. The fabric cover is tensioned to provide the stable structural support of the structure. The fabric is tensioned using multiple methods, varying by manufacturer, to create a tight fitting cover membrane.

6. THAT CHAPTER 5, SECTION 5.12 (C) EXPIRATION BE AMENDED AND RE-ENACTED AS FOLLOWS:

(C) Expiration

Building permits are valid for one year from date of issuance. In the case that construction has not begun within that time period, a maximum of two, one-year extensions may be granted by the P&Z Commission for good cause by submitting the proper application form and paying the appropriate fee. If construction has not begun after a second extension has been granted, the original building permit will be declared invalid and any fees paid to date will be forfeited.

7. THAT CHAPTER 4, SECTION 4.91 DWELLING UNITS BE AMENDED AND RE-ENACTED AND THAT SECTION 4.92 COMMERCIAL UNITS, SECTION 4.93 NON-COMMERCIAL AND ACCESSORY UNITS, SECTION 4.94 BUILDING AND ACCESSORY STRUCTURES UTILIZING SKID FOUNDATIONS, AND SECTION 4.95 BUILDINGS AND ACCESSORY STRUCTURES UTILIZING OTHER THAN SKID FOUNDATIONS BE ENACTED AS FOLLOWS:

Section 4.9 Foundations

4.91 Dwelling Units
All dwelling units shall have a frost protected foundation meeting the criteria of all applicable building codes. Any foundation design for a dwelling unit will be reviewed by the Building Official or other agent of the City for conformance with building code requirements.

4.92 Commercial Units
All heated commercial units or units with plumbing facilities shall have a frost protected foundation meeting the criteria of all applicable building codes. Any foundation design for a commercial unit will be reviewed by the Building Official or other agent of the City for conformance with building code requirements.

4.93 Non-Commercial and Accessory Units
All heated non-commercial or accessory units with plumbing facilities shall have a frost protected foundation meeting the criteria of all applicable building codes. Any foundation design for a non-commercial or accessory unit will be reviewed by the Building Official or other agent of the City for conformance with building code requirements.

4.94 Building and Accessory Structures Utilizing Skid Foundations

1) Buildings or accessory structures that utilize skid foundations using wood or wood products for skids/joists/flooring or any combination of these for support cannot exceed 12' X 24' nominal size.

2) Buildings or accessory structures that utilize skid foundations using metallic or non-metallic materials for skids/joists/flooring or any combination of these for support are limited in size by the percentage of lot coverage.

3) All material in contact with grade shall use an acceptable procedure for rotting/corrosion protection such as the following:

a) a footing of compacted crushed gravel at least 4" in depth

b) a concrete slab of minimum 3.5" thickness using commercial 3000#/ft2 concrete
c) piers
d) concrete pavers
e) a method approved by the Building Official or other agent of the City.

4) The openings between skids on all skid style foundations shall be sealed with a skirting or approved equal to prevent vermin infestation of the space between the floor and grade.

If plumbing penetrations in a concrete slab are necessary, the penetration(s) shall be reviewed and approved by the Building Official or other agent of the City.

4.95 Buildings and Accessory Structures Utilizing Other Than Skid Foundations

1) All buildings and accessory structures, not otherwise required to have a foundation, and under 200 square feet in size, shall be anchored in a manner approved by the Building Official or other agent of the City.
2) All buildings and structures of a size of 200 square feet or more shall have a concrete floor designed by an entity qualified to do so and approved by the Building Official or other agent of the City.
3) All buildings and structures of a size of 200 square feet or more without plumbing imbedded in the floor slab do not require a frost protected footing. If plumbing is imbedded in the floor slab, a frost protected footing design designed by an entity qualified to do so and approved by the Building Official or agent of the City is required regardless of size.

8. THAT CHAPTER 5, SECTION 5.12 (A) (2) (d) APPLICATION CHECKLIST BE AMENDED AND RE-ENACTED AS FOLLOWS:

(d) Application Checklist
- (i) Site plan, drawn to scale, with dimensions.
- (ii) Floor plan, drawn to scale, with dimensions.
- (iii) Elevations, drawn to scale, with dimensions.
- (iv) Foundation plans, drawn to scale, with dimensions.
- (v) Elevation of final lot grade, drawn to scale, with dimensions.
- (vi) Contractor

9. THAT CHAPTER 6, SECTION 6.10 ENFORCEMENT BE AMENDED AND RE-ENACTED AS FOLLOWS:

Section 6.10 Enforcement

(A) Notice and Order

(1) Whenever a zoning or code violation is found, the Building Official shall give written notification to the owner of the property that a violation has occurred and order the violation be abated and the property, building, or use brought into compliance with this Zoning Ordinance. A reasonable amount of time shall be allowed for compliance.

(2) If a property owner or individual in possession of the premises is having work done on
the premises which requires a City issued building permit:

(a) The Building Official shall issue a Cease-and-Desist Order stating the violation and required abatement. The property owner or individual in possession of the premises must cease all work and may not continue work until a valid building permit is obtained from the City.
(b) A Beulah police officer will visit the premises and serve the property owner or individual in possession of the premises the Cease-and-Desist Order issued by the Building Official.
(c) If after service of the Cease-and-Desist Order work continues on the premises without a City issued building permit, each day that work continues shall constitute a violation of this Ordinance.
(d) A violation of this Ordinance is an infraction which carries a minimum fine of $250.00 per day and a maximum fine of $1,000 per day , for each day work continues without a City issued building permit.

(3) Contractors who are found to be providing services in the City without a valid state issued Contractor's license where such license is required will be reported to the North Dakota Secretary of State's office for investigation and prosecution if warranted. This will help ensure compliance with state regulations and discourage unlicensed activity.

If a Contractor is working at a premises within the City without having a State issued Contractor's license when required by this Ordinance:

a. The Building Official shall issue a Cease-and-Desist Order stating the violation and required abatement. The Contractor must cease all work and services being provided and may not continue such work and services until a valid State issued Contractor's license is obtained.
b. A Beulah Police officer will visit the premises and serve the Contractor the Cease-and-Desist Order issued by the Building Official.
c. Should Contractor continue to work and provide services at the premises after having been served with the Cease-and-

Desist Order, said Contractor shall be reported to the North Dakota Secretary of State for investigation and prosecution if warranted. Such continued work and services after service of the Cease-and-Desist Order shall constitute a violation of this Ordinance and each day that such work and services continue to be provided shall be considered a separate offense.

d. Violation of this Ordinance is an infraction which carries a minimum fine of $250.00 per day and a maximum fine of $1,000 per day , for each day that such violation continues to occur.

(B) Action to Correct Violations

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used in violation of this Zoning Ordinance, the proper local authorities of the City, in addition to other remedies, may institute any appropriate action or proceeding:

(1) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
(2) To restrain, correct, or abate such violation;
(3) To prevent the occupancy of the building, structure, or land; or
(4) To prevent any illegal act, conduct, business, or use in or about such premises.

(C) Penalty

(1) Except as otherwise provided herein, any person, firm, or corporation violating any of the provisions of this Zoning Ordinance shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars ($1,000.00). Each and every day that a violation of this Zoning Ordinance shall be continued shall constitute and be considered a separate offense. A violation of any provision of this Zoning Ordinance or the regulations and restrictions made herein shall constitute the maintenance of a public nuisance and shall be an infraction.

10. THAT CHAPTER 1, SECTION 1.101 WILL BE RENUMBERED TO SECTION 1.1 (A); THAT CHAPTER 1, SECTION 1.102 WILL BE RENUMBERED TO SECTION 1.1 (B); THAT CHAPTER 1, SECTION 1.103 WILL BE RENUMBERED TO SECTION 1.1 (C); THAT CHAPTER 1, SECTION 1.103 CHAPTER SUMMARIES AS RENUMBERED HEREIN WILL BE RE-ENACTED TO INCLUDE AMENDMENTS TO CHAPTER 9: DEFINITIONS

AND AMENDED TO REFLECT THE ADDITION OF CHAPTER 10: REVISIONS AS FOLLOWS:

Chapter 9: Definitions
Since this is a legal document and includes terms with specific meaning, the Zoning Ordinance also provides guidance on how specific terms are used. Chapter 9, Definitions, defines words that have a specific meaning within Chapter 9.

Chapter 10: Revisions
This chapter documents changes to the Zoning Ordinance, the District Zoning Map, and the Comprehensive Land Use Map.

11. THAT CHAPTER 1, SECTION 1.10 WHO IS THE BUILDING OFFICIAL? WILL BE ENACTED AS FOLLOWS:

Section 1.10 Who is the Building Official?

Definition of the Building Official

The City Building Official shall be an employee of the City, appointed by the Beulah City Council, charged with the administration and enforcement of the Beulah's municipal Zoning Ordinance.

12. THAT CHAPTER 2, SECTION 2.41 (Q) SPECIFIC STANDARDS BE AMENDED AND RE-ENACTED AS FOLLOWS:

(Q) Specific Standards

(1) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least two feet above the base flood elevation according to local, state, and federal regulations.

(2) Nonresidential Construction

Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to at least two feet above the base flood elevation

according to local, state, and federal regulations or, together with attendant utility and sanitary facilities shall:

(a) Be flood proofed 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.

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Be certified by are registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the City Floodplain Manger as set forth in subsection 2.41(N)(1)(c).

(3) Manufactured Homes

(a) Manufactured homes shall be anchored in accordance with subsection 2.41(P)(2)(b).

(b) All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated on fill to at least two feet above the base flood elevation, and is securely anchored to an adequately anchored foundation system as referred to in the Federal Emergency Management Agency's *Protecting Manufactured Homes from Floods and other Hazards, A Multi-Hazard Foundation and Installation Guide*.

13. THAT CHAPTER 2, SECTION 2.5 USE TABLE BE AMENDED AND RE-ENACTED AS FOLLOWS:

To allow "Bakeries" as a Permitted Use By Right in Zoning District C2 and allowing "In-home Businesses" as a Permitted Use With Requirements (P(3.8)) in Zoning District C2.

14. **SEVERABILITY.**

All Ordinances or parts of Ordinances in conflict herewith are hereby rescinded and repealed. If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

15. **EFFECTIVE DATE.**
This Ordinance shall take full force and effect following its final passage and approval and the publication of its title and penalty provisions.

Dated this the 21st day of May, 2025.

Sean Cheatley, Mayor

ATTEST:

Heather Ferebee, City Auditor

Introduction and First Reading:	May 5, 2025
Second Reading:	May 21, 2025
Publication Date:	May 22, 2025
Effective Date:	May 22, 2025