



ORDINANCE NO. 6049

AN ORDINANCE AMENDING SECTIONS 28-101 OF CHAPTER 28 (STREETS, SIDEWALKS, AND PUBLIC GROUNDS), ARTICLE III (USE AND CARE OF SIDEWALKS, STREETS, AND FLOOD CONTROL WORKS), DIVISION 2 (STREETS) AND SECTIONS 28-211, 28-212 OF CHAPTER 28 (STREETS, SIDEWALKS, AND PUBLIC GROUNDS), ARTICLE V (CONSTRUCTION WITHIN THE RIGHT-OF-WAY), DIVISION 2 (DRIVEWAYS), CODE OF ORDINANCES, CITY OF MINOT, NORTH DAKOTA RELATING TO BOULEVARD MAINTENANCE AND DRIVEWAY REQUIREMENTS.

WHEREAS, the City of Minot is a political subdivision lawfully recognized in the state of North Dakota as a home rule city and possessing municipal powers and authority pursuant to its home rule charter and the provision of North Dakota Century Code (NDCC) § 40-05.1, as well as statutory provisions codified in NDCC 40-05-01; and

WHEREAS, NDCC § 40-05.1-06 provides that the City shall have the power to implement home rule powers by ordinance, including the power to enact ordinances regarding streets, sidewalks, and public grounds within city limits; and

WHEREAS, NDCC § 40-05.1-05 provides that a ratified home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and

WHEREAS, the City of Minot now desires to amend the existing Section 28-101, Chapter 28, Article III, Division 2 and Sections 28-211, 28-212, Chapter 28, Article V, Division 2 Code of Ordinances, to update requirements relating to boulevard maintenance and driveways.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§1. That Section 28-101 of Chapter 28 (Streets, Sidewalks, and Public Grounds), Article III (Use and Care of Sidewalks, Streets, and Flood Control Works), Division 2 (Streets) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:

Sec. 28-101 – Maintenance of boulevard areas.

The owner of property adjacent to any public right-of-way shall maintain the boulevard area adjacent to the owner's property. The boulevard shall be kept free of tall grass, and weeds and shall be mowed to a height of less than eight (8) inches at all times. If the owner refuses or fails to keep the boulevard properly maintained, the city can maintain the boulevard and assess the cost in accordance with chapter 22 of this Code.

§2. That Section 28-211 of Chapter 28 (Streets, Sidewalks, and Public Grounds), Article V (Construction Within the Right-Of-Way), Division 2 (Driveways) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:

Sec. 28-211. - Requirements for driveways.

- a) No permit for a driveway shall be granted, and no curb cut shall be made which will provide less than fifteen (15) feet minimum clearance between the nearest edge of any crosswalk or alley and the edge of the curb nearest the crosswalk or alley.
- b) No permit shall be granted for any driveway in any commercial or industrial district or in any residential district developed or to be developed with four (4) or more parking spaces on a parcel of land under the same ownership where a portion of the front yard area is used or is intended to be used for the purpose of vehicular movement, storage or parking unless provision is made for sufficient space on the property to be served to provide egress therefrom without the backing of vehicles across the sidewalk area.
- c) The maximum width for any driveway in a residential district shall be thirty (30) feet, measured along the property line, and thirty-six (36) feet, inclusive of the apron flares at the curb line.
- d) The maximum width for any driveway in a commercial or industrial district shall be forty (40) feet, measured along the property line, and forty-six (46) feet, inclusive of the apron flares at the curb line.
 - 1. If the owner of a commercial or industrial property requests a driveway larger than described in (d), then the owner shall provide turning radius data to the city engineer showing the need for the additional width.
 - 2. The city engineer may determine if the additional width shall be granted.
- e) Where more than one (1) driveway is permitted or maintained on any one (1) lot, tract or parcel of land or combination of contiguous lots, tracts or parcels under common ownership, there shall not be less than twenty-four (24) feet between driveways as measured along the curb line.
- f) All driveways and aprons must be constructed within the extensions of the property lines through the right-of-way unless the driveway is a shared driveway between two (2) contiguous parcels.
- g) Notwithstanding any of the foregoing subsections, the city engineer shall have the right to deny a permit for a driveway, or otherwise limit the right of ingress and egress to the public right-of-way, at any location which is certified by the city engineer to present special hazards to the public if a driveway or point of ingress and egress is allowed at such location. In exercising the right granted to the city engineer under this subsection, the city engineer shall consider, among other things deemed pertinent, access spacing policies, conflict points, visibility, and topography. Any denial premised on this subsection must be accompanied by a written statement by the city engineer specifying the reasons for denying the permit or for restricting the right of ingress and egress.

§3. That Section 28-212 of Chapter 28 (Streets, Sidewalks, and Public Grounds), Article V (Construction Within the Right-Of-Way), Division 2 (Driveways) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:

Sec. 28-212. - Exception.

[Section 28-211](#)(c) shall not apply to a driveway and its approach which run directly from a garage or an allowed site for a garage to a street if the garage was built and is maintained or the allowed site is situated in compliance with all applicable zoning requirements and building codes; provided that, however, the driveway at the curb shall be no more than six (6) feet wider than:

- a) The overhead garage door opening or openings as built or as may be lawful to build it or them; plus
- b) The space, if any, between the overhead garage door openings.
- c) And no wider than a maximum of forty (40) feet or 50% of the front footage of the lot, whichever is greater, measured along the property line.

§4. This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: January 21, 2025

PASSED SECOND READING: February 3, 2025

ATTEST:

APPROVED:

Mikayla McWilliams, City Clerk

Tom Ross, Mayor