

April 13, 2026, Mayville City Council

The Mayville City Council met in regular session on April 13, 2026, at 6:00 pm in the council chambers with Mayor Jorgenson presiding and the following Aldermen responding to call of the roll: O'Brien, Moen, Halvorson, Garrett, Petersen, Soholt. Absent: None. Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Alexis Whitehorn, Craig Ritchie & wife, Kelli Tvedt, Samantha Sanchez, Jasper Jacobson, Brad & Cheryl Angen, Lydell Schultz, Lorraine Bolton, Christian Berry, Tim Martin, Marvin Aamold, Colby Zupan, Jerrod Bergstrom and Cassie Braaten. Brandon Reber from Moore Engineering was also present.

Library Report - Alexis Whitehorn from the Mayville Public Library talked about the Library's annual report. In 2025 there were 4,598 visits with 6,892 total checkouts. She said that there are 467 active card holders with 58% being adults and 42% children (Ages 5-17). Some updates have been made at the library which included the main floor getting painted and the plaster in the stairwell being fixed in 2025. Lexi told us that 382 programs have taken place at the library with a total attendance of 4,583. Job well done!! Great work by Lexi and volunteers to help with these programs!!

Findings of Fact, Conclusion Action Items: Craig Ritchie spoke on wanting to get a tax exemption and tax abatement on the Christian Sports Commission building (Old Sanford Clinic). Craig was asking for a tax exemption for religious purposes. He claimed that church services were piped into Christian Sports Commission every Sunday. Craig said that \$18,000 were owed for back taxes. Petersen made the motion to approve a tax exemption for the CSC but denied a tax abatement for CSC. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Garrett, Halvorson, Petersen, Soholt; Nay: Moen, O'Brien; Absent: None. The conclusion is that CSC was approved for a tax exemption but not for a tax abatement.

CITY OF MAYVILLE
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION
RE: Application for Property Tax Exemption and Abatement
Parcel No.: 27-0001-04268-010
Applicant: Christian Sports Commission, Inc.

I. Background.

Christian Sports Commission, Inc. ("CSC") submitted applications seeking (1) property tax exemption and (2) abatement and refund of previously assessed and paid property taxes for the above-referenced parcel.

The City of Mayville, acting in its role within the property assessment and equalization process, has reviewed the applications, supporting materials, and applicable law. The City issues the following Findings of Fact and Conclusions of Law with respect to exemption, and a recommendation to the Traill County Board of Commissioners regarding abatement.

II. Findings of Fact

- A. CSC is a nonprofit corporation recognized as a tax-exempt entity under Section 501(c)(3) of the Internal Revenue Code.
- B. CSC acquired the subject property in approximately November 2011.
- C. The property consists of a residential structure used for multiple purposes, including:
 - i. Housing individuals, sometimes at reduced or no cost;
 - ii. Hosting Bible studies and Christian-oriented activities; and

- iii. Providing a gathering space associated with CSC's mission.
- D. The property is not a church building, parsonage, or structure used exclusively for formal public religious worship.
- E. The primary physical character of the property is residential.
- F. CSC did not file an application for property tax exemption for the subject property until 2025.
- G. Property taxes for prior years, including but not limited to 2022, 2023, and 2024, were duly assessed and paid.
- H. CSC has not met its burden to establish the nature, extent, and qualifying character of the property's use for each prior tax year at issue.
- I. CSC has not met its burden to establish that any prior tax assessment was illegal, erroneous, or the result of clerical mistake.

III. Conclusion of Law.

A. Standard.

- i. All property in North Dakota is taxable unless expressly exempted by law. N.D.C.C. § 57-02-03.
- ii. Tax exemptions are strictly construed against the taxpayer, and the burden of proof rests on the party claiming the exemption.
- iii. Eligibility for exemption must be established based on the actual use of the property, and each tax year is independently evaluated.

B. Determination of Exemption (Prospective)

- i. Property is exempt under N.D.C.C. § 57-02-08(8)(a) if it is:
 - Owned by an institution of public charity;
 - Used wholly or in part for charitable purposes; and
 - Not used with a view to profit.
- ii. CSC qualifies as an institution of public charity.
- iii. CSC has met its burden to establish that the current use of the property includes charitable activities with a direct and primary connection to its organizational purpose.

- iv. North Dakota law permits exemption where property is used “wholly or in part” for charitable purposes, even where residential use is also present, provided the use is not for profit.
- v. CSC has met its burden to establish eligibility for exemption under N.D.C.C. § 57-02-08(8)(a) on a prospective basis.

C. Abatement and Refund (Recommendation Only)

- i. Abatement or refund of property taxes is governed by N.D.C.C. ch. 57-23 and is within the authority of the Traill County Board of Commissioners.
- ii. Abatement is limited to circumstances where taxes were:
 - Illegally levied;
 - Based on an invalid or erroneous assessment; or
 - The result of clerical or factual error.
- iii. CSC has not met its burden to establish that any prior tax assessment was illegal, erroneous, or subject to abatement under N.D.C.C. ch. 57-23.
- iv. CSC has not met its burden to establish that the property qualified for exemption in each prior tax year at issue.
- v. A failure to timely apply for an exemption does not render prior taxes invalid or refundable.
- vi. Any doubt regarding qualification for exemption in prior years should be resolved against CSC.

IV. Determination and Recommendation.

- A. Exemption Determination (City of Mayville): The property qualifies for exemption under N.D.C.C. § 57-02-08(8)(a) on a prospective basis, effective for the next applicable tax year, contingent upon continued qualifying use.
- B. Abatement Recommendation (to Traill County Board of Commissioners):
The City of Mayville recommends that the application for abatement and refund of previously assessed and paid property taxes be DENIED.

Recess Council for Tax Equalization Meeting – Paused council meeting at 6:20pm

Please see minutes from that meeting

Called Council Meeting Back to Order at 7:50pm by Mayor Jorgenson presiding and the following Aldermen responding to call of the roll: Soholt, O'Brien, Garrett, Halvorson, Petersen, Moen. Absent: None. Also attending the meeting: Gail Olstad, Julie Christianson, Cassie Tostenson. Brandon Reber from Moore Engineering was also in attendance.

Additions to the agenda: Q. Firewall update for Water Treatment Plant from In Control, Inc.

O'Brien made a motion to accept the approval agenda on the following items:

1. **January 5th, 2026, minutes amended(Monthly meeting)**
2. **March 2nd, 2026, minutes (Monthly Meeting)**
3. **Landfill will go back to being open Thursdays 4-7 and Saturdays 8-Noon on May 1st.**
4. **Congratulations to Christian!!** – Received Clean Drinking Water for 2025.
5. **Northwood Deaconess Health Center Elder Adults Information.**
6. **NDIRF Conferment of Benefits** – None for 2025 – Annual Meeting 05-07-26 – Annual report.
7. **East Central Regional Water District Annual Meeting.**
8. **Unless there are any concerns the library** will use the cement pad that the City Hall's shed stood on. Plan is to put the same type of storage shed up for the library's use. They will do the funding and work.
9. **Auditor's Office Approval:**
 - a. Mayville Golf Course – Raffle 4-11-26
 - b. Floyd's Bar 04-17-26 Liquor Lic Transfer Hockey Smoker.
 - c. Smoke Eaters 03-14-26 Liquor Lic Transfer to armory – Fire Dept Fundraiser
 - d. Tiny Town Learning Center – Raffle 5-20-26

Moen seconded the motion, motion carried.

ENGINEER'S AGENDA
City of Mayville Council Meeting
Monday, April 13, 2026

1.0 Street & Storm Improvement District 2022-1

1.1 Received response from Contractor.

2.0 Sewer & Water Improvement District 2022-2

2.1 Will do walkthrough in May.

3.0 Mayville Dam 2

3.1 CAP #6 - \$53,139.50 – Boulders Stored on Site

3.2 Moore Engineering Invoice SIN008329 - \$10,269.75

3.3 Construction Update

3.4 Funding update

4.0 Lagoon

4.1 Meeting recap

4.2 NDDEQ Site Visit

4.3 Next Steps

Street & Storm Improvement District 2022-1

Brandon Reber said that nothing has been heard back from R.J. Zavoral & Sons, Inc. Will just wait to hear what we need to do next.

Sewer & Water Improvement District 2022-2

Brandon Reber mentioned that Moore Engineering & KPH, Inc. will do a 1 year walk through in May and see if there is anything left to finish up.

Mayville Dam 2

Brandon said that there is no schedule at time from Comstock. O'Brien made the motion to approve Contractor application for Payment: **Payment No. 6 to Comstock Construction for Dam Project \$53,139.50.** Moen seconded the motion and upon a roll call vote the following voted; Yea: Moen, Garrett, O'Brien, Halvorson, Petersen, Soholt; Nay: Zero; Absent: None, motion carried. Brandon stated that the Outdoor Heritage Fund has funding available again. Moen made the motion to approve payment to **Moore Engineering for Dam Project \$10,269.75.** Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Soholt, Moen, Garrett, O'Brien, Halvorson, Petersen; Nay: Zero; Absent: None.

Lagoons

Christian Gage from City of Mayville, NDDEQ, City of Portland and Brandon Reber met at Portland City Hall. It was discussed and a To Do list was created:

1. NDDEQ to schedule inspection of Facility
2. NDDEQ to meet with City in conjunction with inspection, separate meeting.
3. Facility to be contacted by Portland to discuss excessive discharging and the possibility of limiting
4. Determine City Authority to exercise penalties (ex: Water Shut Off) in the interim.
5. Sample dedicated discharge from Facility at lift station on regular scheduled basis moving forward
6. Mayville sampling of each of the cells to obtain a baseline and develop possible discharge plan.
7. Find and develop a possible fix, mechanical or otherwise, to bring cells back into aerobic.
8. Mayville maintains record of costs due to issues in order to seek funding.
9. Obtain wastewater flows from both Portland and Mayville for at least the past year.

O'Brien made the motion to approve bills: December Bills – March 2026 actual and April 2026 estimated expenses.

DECEMBER BILLS

22286	NDDOT	streets	maint/operation	\$822.55
22287	ND Sewage Pump & Lift Station	waste water collections	repair/maintenance	\$26,680.00
22288	Ness Plumbing Inc	armory	maint/operation	\$120.21

APRIL 2026 BILLS

22289	Advantage Pest Control	sanitation	maint/operation	\$150.00
22290	Aflac Inc	all	dental & vision insurance	\$268.43
22291	Aflac Traditional	all	insurance	\$452.62
22292	Book Systems Inc	library	computer software	\$900.00
22293	Canon Financial Services	all	lease on copier	\$350.96
22294	Christian Gage	wtr trt & dist, ww trt & coll	supplies	\$585.35
22296	Dacotah Paper	all	paper supplies	\$160.24
22297	Dakota Natural Gas	wtr trt, fire dept & streets	heating	\$557.08
22298	Demco	library	office supplies	\$221.92
22299	ECRWD	water treatment	purchase of raw water	\$3,366.73
22300	Elan Financial Services	all	misc	\$1,750.98
ACH	Empower	all	retirement	\$3,486.29
22301	Finley Motors	waste water coll	2014 pickup	\$50.00
22302	Goose River Bank	wtr dist & ww trt & coll	collection fee	\$18.27
22303	Grand Forks Utility Billing	water treatment	samples	\$44.00
22304	Grand Forks Welding	streets	snow pusher	\$1,057.74
22305	Hawkins	water treatment	cylinders	\$20.00
22306	Hillsboro Banner	non-dept & election	printing	\$1,464.18
22307	Ingram Library Services	library	books	\$217.09
22308	Jacobson Brothers	aud, library & non-dept	snow removal - hired	\$560.00
22309	Kotaco Fuels - Feb	all	fuel for vehicles	\$251.92
22310	Kotaco Fuels - March	all	fuel for vehicles	\$352.31
22311	Lofflers	all	software for copier	\$258.54
22312	MayPort Auto Truck & Parts	streets & ww coll	maint/operation	\$450.37
22313	MayPort Hardware Hank	library	furniture & equipment	\$69.19
22314	MayPort Hardware Hank	streets, wtr trt & city hall	maint/operation	\$229.36
22336	Mayville Airport Authority	airport	Feb rec'd in March	\$7,723.15
22337	Mayville Airport Authority	airport	March rec'd in April	\$431.44
22315	Midcontinent Communications	all	internet & phones	\$1,510.49
22316	Miller's Fresh Foods	city hall	misc	\$100.84
22338	MPEDC	sales tax		\$6,864.40
22317	NDDOT	streets	maint/operation	\$822.55
ACH	NDPERS	all	insurance	\$8,687.64
22318	ND Sewage Pump & Lift Station	waste water collection	maint/operation	\$1,045.00
22319	ND Sewage Pump & Lift Station	waste water collection	repair/maintenance	\$1,635.00
22320	Network Center	all	Office 365, backup & antivirus	\$733.68
22321	Nilson Brand Law	city attorney	legal issues & retainer	\$1,226.50
22322	One Call Concepts	wtr dist & ww coll	locates	\$1.50
22323	Polar	auditor's office	lease on phones	\$59.00
22324	Reliance Life Insurance	all	insurance	\$191.75
22325	Sanford Medical Center	non-dept	misc	\$137.00
22326	Septic Tank Servicing	streets	maint/operation	\$300.00
22327	Soholt Bakery	city hall	misc	\$19.50
22328	Stone's Mobile Radio Inc	fire dept	radios	\$5,133.60
22329	Traill County Equalization	State aid & sales tax	professional services	\$15,635.00
22330	Traill County Treasurer	sheriff	monthly contract	\$26,587.97
22331	USPS	aud, dist, ww coll & trt	postage for water bills	\$362.70
22332	Verizon	all	cell phones	\$240.94

22333	Vestis	all	rugs	\$581.47
22334	Waste Management	sanitation	garbage & recycling	\$27,804.50
22335	Xcel Energy	all	electricity	\$12,275.96
	H2O Deposits refunded			
22295	City of Mayville (Carlos Lopez)			\$150.00
				<u>\$165,177.91</u>

Moen seconded the motion, motion carried.

Approval of financial reports: 2025 – 3 missing bills: Are on Bills tonight – NDDOT treated sand, Ness Plumbing & ND Sewage & Lift Station. After bills get paid should have new 2025 financials. Tabled until next month.

Review Calendars: April – June 2026:

Note: City Offices closed for the following holidays with Council Approval:

Good Friday 04/03/2026
Memorial Day 05/25/2026

Physical Plant 7a 04/13/26, 4-29-26, 05/27/26, 07/01/26
Admin 4:30p 04/13/26, 05/04/26, 06/01/26, 07/06/26
Council 6p 04/13/26, 05/04/26, 06/01/26, 07/06/26

Committee meetings: Council meetings are on the first Monday in the month unless it is a holiday, then they are held the second Monday. The Physical Plant Committee is 7a the Wednesday preceding Council and Admin Committee is held council Monday at 4:30pm. Exceptions that arise will be reviewed at the City Council meetings and changes will be posted and on the calendar. O'Brien made the motion to approve calendars as presented. Halvorson seconded the motion, motion carried.

O'Brien made the motion to reject the Stennes Lot Demo bid given by Paulson Gravel. Garrett seconded the motion and upon a roll call vote the following voted; Yea: Garrett, O'Brien, Halvorson, Petersen, Soholt, Moen; Nay: Zero; Absent: None, motion carried.

City of Mayville MHMP Participation Letter to be adopted. A resolution of the Mayville City Council adopting the Traill County 2025 Multi-Hazard Mitigation Plan. Moen made the motion to approve this resolution. Petersen seconded the motion and upon a roll call vote the following voted; Yea: Moen, Garrett, O'Brien, Halvorson, Petersen, Soholt; Nay: Zero; Absent: None, motion carried.

TRAILL COUNTY, NORTH DAKOTA

A RESOLUTION OF THE MAYVILLE CITY COUNCIL ADOPTING THE TRAILL COUNTY 2025 MULTI-HAZARD MITIGATION PLAN

WHEREAS the Mayville City Council recognizes the threat that natural hazards pose to people and property within the City; and

WHEREAS the Mayville City Council in conjunction with Traill County Emergency Management has prepared a multi-hazard mitigation plan, hereby known as the Traill County 2025 Multi-Hazard Mitigation Plan (MHMP) in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS the Traill County 2025 Multi-Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the City of Mayville from the impacts of future hazards and disasters; and

April 13, 2026

WHEREAS adoption by the City of Mayville demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Traill County 2025 Multi-Hazard Mitigation Plan.

NOW THEREFORE, BE IT RESOLVED BY THE MAYVILLE CITY COUNCIL, MAYVILLE, ND, THAT:

The Mayville City Council adopts the Traill County 2025 Multi-Hazard Mitigation Plan. While content related to the City of Mayville may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the City of Mayville to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

ADOPTED by a vote of 6 in favor and zero against, and zero abstaining, this 13th day of April 2026.

By: Karl Jorgenson
Karl Jorgenson, Mayor

ATTEST: By: Gail Olstad
Gail Olstad, Auditor

APPROVED AS TO FORM: By: Steve Hunt
Steve Hunt, Emergency Manager

A request by the Park Board that the city take on the maintenance of the Bowl permanently. No motion was made but just stated that the city would help out the Park Board by maintaining the bowl for the month of May.

North Dakota Model Data Center Zoning Ordinance – tabled until next month.

City Municipal Court: North Dakota League of Cities has stated that all Court hearings need to be taped (Audio) It comes into effect 07/01/26. Moen made the motion to approve purchasing an audio package for \$1,616.00 as indicated NDLOC. Garrett seconded the motion and upon a roll call vote the following voted; Yea: Halvorson, Petersen, Soholt, Moen, Garrett, O'Brien; Nay: Zero; Absent: None, motion carried.

Variance Application Agreement for: Novacek's 545 7th Ave SE, Lot 2, Block 1 Riverwood Addition. O'Brien made the motion to approve the variance agreement contingent on being approved by Planning & Zoning and the Riverwood Committee, Soholt seconded the motion and upon a roll call vote the following voted; Yea: O'Brien, Halvorson, Petersen, Soholt, Moen, Garrett; Nay: Zero; Absent: None, motion carried.

Deed received from County on the Petri Buildings/Land: The next step is for City Attorney and City Auditor to do a plan. This has been tabled until next month.

Butler revamped invoice for 1st and 4th lift: Kevin from Butler was at the meeting. He was claiming that Christian gave the approval for all the work on the generator. Christian can't remember – he was pretty sure that he didn't. Butler's invoice is broken up into segments. When Kevin started looking at the invoice – he realized that some segments were not in the right order. After some discussion, it was decided that the City of Mayville would pay for the parts – the labor would be taken off the invoice. O'Brien made that motion to just pay for the parts for the generator. Petersen seconded the motion and upon a roll call vote the following voted; Yea: Garrett, O'Brien, Halvorson, Petersen, Soholt, Moen; Nay: Zero; Absent: None, motion carried. Kevin from Butler stated that he would send us a new invoice for just the parts.

LOI for 2027 Assessment: \$13,515.00: Petersen made the motion to accept the 2027 LOI assessment for \$13,515. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Moen, Garrett, O'Brien, Halvorson, Petersen, Soholt; Nay: Zero; Absent: None, motion carried.

Brady Martz Audit 2024: Moen made the motion to accept the Brady Martz Audit for 2024. Soholt seconded the motion and upon a roll call vote the following voted; Yea: Soholt, Moen, Garrett, O'Brien, Halvorson, Petersen; Nay: Zero; Absent: None, motion carried.

Indemnify Agreement for Aberle: Their plans have been approved. O'Brien made the motion to approve the indemnify agreement for Aberle's. Garrett seconded the motion and upon a roll call vote the following voted; Yea: Petersen, Soholt, Moen, Garrett, O'Brien, Halvorson; Nay: Zero; Absent: None, motion carried.

Moen made a motion to approve the request for Ordinance for **Lagoon Permitting to be drafted**. O'Brien seconded the motion and upon a roll call vote the following voted; Yea: Halvorson, Petersen, Soholt, Moen, Garrett, O'Brien; Nay: Zero; Absent: None, motion carried.

Spring Clean Up Schedule: Soholt made the motion to approve spring cleanup days. It will start on May 9th and go through 23rd. with certain days of the week to be open and Saturdays. Garrett seconded the motion, motion carried.

Secure Firewall at Waterplant: In Controls, Inc handles the software at Waterplant. It was mentioned that a more secure firewall was possibly needed. After some discussion, it was decided that the firewall that is there is fine and no update is needed. Soholt made the motion to approve as presented. Garrett seconded the motion and upon a roll call vote the following voted; Yea: Moen, Garrett, Halvorson, Soholt, Petersen, O'Brien; Nay: Zero; Absent: None, motion carried.

Nothing for the Sheriff's report

O'Brien made the motion to adjourn the meeting. Moen seconded the motion, motion carried.

Attest: Julie Christianson
Julie Christianson, Deputy Auditor

Mayor: Karl Jorgenson
Karl Jorgenson

TRAILL COUNTY, NORTH DAKOTA

A RESOLUTION OF THE MAYVILLE CITY COUNCIL ADOPTING THE TRAILL COUNTY 2025 MULTI-HAZARD MITIGATION PLAN

WHEREAS the Mayville City Council recognizes the threat that natural hazards pose to people and property within the City; and

WHEREAS the Mayville City Council in conjunction with Traill County Emergency Management has prepared a multi-hazard mitigation plan, hereby known as the Traill County 2025 Multi-Hazard Mitigation Plan (MHMP) in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS the Traill County 2025 Multi-Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the City of Mayville from the impacts of future hazards and disasters; and

WHEREAS adoption by the City of Mayville demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Traill County 2025 Multi-Hazard Mitigation Plan.

NOW THEREFORE, BE IT RESOLVED BY THE MAYVILLE CITY COUNCIL, MAYVILLE, ND, THAT:

The Mayville City Council adopts the Traill County 2025 Multi-Hazard Mitigation Plan. While content related to the City of Mayville may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the City of Mayville to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

ADOPTED by a vote of 10 in favor and zero against, and zero abstaining, this 13th day of April, 2026.

By: Karl Jorgenson
Karl Jorgenson, Mayor

ATTEST: By: Gail Olstad
Gail Olstad, Auditor

APPROVED AS TO FORM: By: Steve Hunt
Steve Hunt, Emergency Manager

**AN ORDINANCE TO AMEND ORDINANCE CHAPTER XVII OF THE REVISED
ORDINANCES OF THE CITY OF MAYVILLE BY AMENDING ARTICLE 16**

BE IT ORDAINED BY THE CITY COUNCIL AND THE MAYOR OF THE CITY OF
MAYVILLE:

Section 1: Amendment: That the revised flood plain management ordinance of the City of Mayville
shall be amended as follows:

FLOODPLAIN MANAGEMENT

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

16.1.1. STATUTORY AUTHORIZATION

The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-05, 11-11 and 58-06, 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 the City of Mayville, North Dakota does ordain as follows:

16.1.2. FINDINGS OF FACT

- (1) The flood hazard areas of City of Mayville 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.
- (2) 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.

16.1.3. STATEMENT OF PURPOSE

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

provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) 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;
- (6) 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;
- (7) To ensure that potential buyers are notified that property is in a special flood hazard area;
- (8) To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

16.1.4. METHODS OF REDUCING FLOOD LOSSES

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

- (1) 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;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 16.2 2.0 DEFINITIONS

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 zoning administrator'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: built on a single chassis;

- (a) 400 square feet or less when measured at the largest horizontal projection;
- (b) designed to be self-propelled or permanently towable by a light duty truck;
- (c) 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;
- (d) 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.

SECTION 16.3.0 GENERAL PROVISIONS

16.3.1. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of The City of Mayville, North Dakota.

16.3.2. 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 Mayville, dated October 16, 2015 with an accompanying Flood Insurance Rate Map Dated April 16, 2009 is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Auditor's Office City Hall, Mayville, North Dakota.

16.3.3. 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.

16.3.4. 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.

16.3.5. 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.

16.3.6. 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 Mayville, North Dakota 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.

16.3.7. 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.

SECTION 16.4.0 ADMINISTRATION

16.4.1. 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 zoning administrator 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.

16.4.2. DESIGNATION OF THE ZONING 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.

16.4.3. DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR

Duties of the zoning administrator shall include, but not be limited to:

16.4.3-1 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.

16.4.3-2 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 Zoning Administrator 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.

16.4.3-3 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.

16.4.3-4 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.

16.4.3-5 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.

16.4.3-6 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.

16.4.4. VARIANCE PROCEDURE

16.4.4-1 Appeal Board

- (1) The Appeal Board as established the city council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Administrator_ in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Appeal Board.
or any taxpayer, may appeal such decision to the Traill County 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 Appeal Board 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 Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) The Zoning Administrator shall maintain the records of all appeal actions the report any variances to the Federal Emergency Management Agency upon request.

16.4.4-2 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.

SECTION 16..0 PROVISIONS FOR FLOOD HAZARD REDUCTION

16.5.1. GENERAL STANDARDS

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

16.5.1-1 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.

16.5.1-2 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.

16.5.1-3 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.

16.5.1-4 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).

16.5.2. 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:

16.5.2-1 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.

16.5.2-2 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).

16.5.2-3 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 manufacture homes placed or substantially improved on sites in an existing manufacture 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 manufacture home is one foot above the base flood elevation, or
- (ii) the manufacture 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.

16.5.2.4 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

16.5.3. 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.

16.5.4. 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.
- (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.

16.5.5. 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.

SECTION 16.6. VIOLATIONS

16.6.1. 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 City of Mayville from taking such other lawful action as is necessary to prevent or remedy any violation.

FIRST READING PASSED 01-05-2026

Motion: Moen Second: Halvorson

Aye: Halvorson, Garrett, Moen, O'Brien

Nay: None

Absent: Soholt, Petersen

AMENDED SECOND READING PASSED 04-13-2026.

Motion: O'Brien Second: Petersen

Aye: Garrett, O'Brien, Halvorson, Petersen, Soholt, Moen

Nay: None

Absent: None


Karl Jorgenson, Mayor

ATTEST:


Gail Olstad Auditor

Amended Adoption Date: April 13, 2026

Publication Date: April 17, 2026

Effective Date: April 17, 2026