



**TO:** Mayor Tom Ross  
Members of the City Council

**FROM:** Emily Huettl, P.E., Assistant City Engineer

**DATE:** March 4, 2024

**SUBJECT: AMEND CHAPTER 28 – ENCROACHMENTS ON CITY PROPERTY (4541)**

**I. RECOMMENDED ACTION**

1. Recommend council pass an ordinance on 1<sup>st</sup> reading amending Chapter 28 of the Code of Ordinances.

**II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	701-857-4100
Emily Huettl, Assistant City Engineer	701-857-4100

**III. DESCRIPTION**

A. Background

Chapter 28 of the Code of Ordinances governs activities within the right of way and public grounds. The chapter covers items such as view obstructions, processions and open air meetings, care and use of the right of way, permitting and licensing, construction, and encroachments. The ordinance was re-written in 2022.

B. Proposed Project

The proposed ordinance amendment would expand the provisions of Chapter 28 Article VII (Encroachments) to apply to encroachment on any property owned by the City of Minot. Currently the article specifically states encroachments in the right of way but there are times that the City may wish to permit an encroachment on property owned by the City, other than within the right of way.

C. Consultant Selection

N/A

**IV. IMPACT:**

A. Strategic Impact:

This amendment clarifies a grey area. The City has previously issued encroachment permits for City owned property other than within the right of way.

B. Service/Delivery Impact:

This amendment will allow us to move forward on a current encroachment application submitted by a resident.

C. Fiscal Impact:

N/A

**V. CITY COUNCIL ASPIRATIONS**

The ordinance amendment helps to keep the City moving towards *excellent and connected* by allowing more opportunities to work with residents, property owners, businesses, etc. via the encroachment permit process.

**VI. ALTERNATIVES**

1. Council could deny the ordinance on 1<sup>st</sup> reading, leaving the current ordinance intact.

**VII. TIME CONSTRAINTS**

There is a pending encroachment permit waiting for this update. If council delays approval, the permit would be delayed or, ultimately, denied.

**VIII. LIST OF ATTACHMENTS**

- A. Chapter 28 Ordinance – Encroachments on City Property