

**ARTICLE 89-08
DAMS, DIKES, AND OTHER DEVICES**

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**CHAPTER 89-08-01
DEFINITIONS**

Section	
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89-08-01-02	Definition of Unsafe Dam, Dike, or Other Device [Repealed]

89-08-01-01. Definitions.

The following definitions apply in this article:

1. "Agricultural dike" means a dike capable of protecting land used for agriculture or similar purposes.
2. "Appurtenant works" means all works incident or attached to a dam, dike, or other device, including:
 - a. A spillway, either in the dam or separate from it;
 - b. The reservoir and its rim;
 - c. A low-level outlet; and
 - d. A water conduit, such as a tunnel, pipeline, or penstock, either through the dam, dike, or other device or their abutments.
3. "Capable of protecting" means flood-risk reduction to land, structures, or public infrastructure as the result of a dike.
4. "Construction" or "construct" means any activity for which a permit is required by North Dakota Century Code section 61-16.1-38, including construction, alteration, enlargement, or modification of a dam, dike, or other device.
5. "Dam" means any barrier, including any appurtenant works, constructed across a watercourse or an area that drains naturally to impound or attenuate the flow of water. All structures necessary to impound a single body of water are considered a single dam.
6. "Department" is defined in North Dakota Century Code section 61-03-01.2.
7. "Dike" means any artificial structures, including an embankment, floodwall, levee, or any appurtenant works, constructed with the primary intent to divert surface water for real or personal property protection or to otherwise provide storm or flood-risk reduction resulting from flooding due to seasonally high water or precipitation.
8. "Director" is defined in North Dakota Century Code section 61-03-01.2.
9. "Diversion" means any open channel, culvert, or ditch constructed to reroute a watercourse as defined by North Dakota Century Code section 61-01-06.

10. "Embankment" means a structure created by an artificial deposit of material upon the natural surface of the land that is designed to act as a water control device, support roads or railways, or for other similar purposes.
11. "Engineer" means a person who has been duly registered and licensed as an engineer by the North Dakota state board of registration for professional engineers and land surveyors.
12. "Farmstead" means an individual rural or farm property including a single dwelling or associated buildings, and up to ten acres [4.05 hectares] of land.
13. "Farmstead ring dike" means a dike capable of protecting only a farmstead.
14. "Height" means the maximum vertical distance from the stream channel bottom or lowest elevation of a naturally draining area to the top of dam.
15. "High-hazard dam" means a dam with high-hazard potential where failure or misoperation will probably cause loss of human life.
16. "Holding pond, lagoon, or dugout" means any artificial, hydraulically disconnected structure, including any appurtenant works, constructed to store water.
17. "Inspection" means a visual or mechanical check, a measurement, a boring, or any other method necessary for determination of the adequacy of construction techniques, conformity of work with approved plans and specifications, or the safety and operating performance of a dam, dike, or other device.
18. "Low-hazard dam" means a dam with low-hazard potential where failure or misoperation results in no probable loss of human life and low economic losses.
19. "Medium-hazard dam" means a dam with medium-hazard potential where failure or misoperation results in no probable loss of human life but can cause economic loss, disruption of lifeline facilities, or can impact other concerns.
20. "Other device" means a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts.
21. "Owner" means any person who owns, controls, operates, maintains, manages, or proposes to construct a dam, dike, or other device. For the purpose of a construction permit application, "owner" means the person who owns the property or interest in property where the dam, dike, or other device will be built.
22. "Significant-hazard dam" means the same as "medium-hazard dam" and may be used interchangeably.
23. "Top of dam" means the top of the settled embankment or the elevation of the uppermost surface of a nonembankment dam, excluding accessory features, such as railings.
24. "Unsafe dam, dike, or other device" means any such structure that threatens harm to life or property or is improperly maintained.

History: Effective November 1, 1989; amended effective January 1, 2015; January 1, 2023; July 1, 2024.

General Authority: NDCC 61-03-13

Law Implemented: NDCC 61-16.1-38

89-08-01-02. Definition of unsafe dam, dike, or other device.

Repealed effective January 1, 2015.