

## **CHAPTER 89-08-03 INSPECTIONS**

Section

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### **89-08-03-01. Inspections and reports during construction of dams over ten feet [3.05 meters] in height.**

To protect property and assure safety, the following are conditions to all construction permits for dams over ten feet [3.05 meters] in height:

1. An engineer must be in charge of and responsible for inspections during construction.
2. Inspections during construction must be performed at intervals necessary to ensure conformity with the construction permit and the plans and specifications.
3. The information obtained during each inspection must be documented in a written report. The report will specify any changes necessary under section 89-08-03-03. The inspection reports must be provided to the department upon request.

**History:** Effective November 1, 1989; amended effective April 1, 2004; January 1, 2015; January 1, 2023.

**General Authority:** NDCC 61-03-13

**Law Implemented:** NDCC 61-16.1-38

### **89-08-03-02. Monitoring during construction by the department.**

The department may monitor any dam, dike, or other device during construction to ensure conformity with the construction permit and the plans and specifications.

**History:** Effective November 1, 1989; amended effective January 1, 2023.

**General Authority:** NDCC 61-03-13

**Law Implemented:** NDCC 61-04-11

### **89-08-03-03. Changes in construction.**

If the director determines changes in construction are necessary to ensure safety, the director may order the appropriate changes and may order construction be stopped until the changes are made.

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

**General Authority:** NDCC 61-03-13

**Law Implemented:** NDCC 61-04-11

### **89-08-03-04. Requested inspections.**

1. Upon receipt of a written complaint that a dam, dike, or other device is unsafe because of its construction, maintenance, or operation, the department will examine the available information and determine if the complaint is justified.

2. If the department determines the complaint is unjustified, the department must notify the complainant in writing of that fact.
3. If the department determines the complaint is justified, the department will complete the necessary inspection and make a determination regarding the structure's safety. If construction is ongoing, all construction activities must cease until the department completes the inspection.

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

**General Authority:** NDCC 61-03-13

**Law Implemented:** NDCC 61-03-21.1, 61-03-21.2, 61-04-11

#### **89-08-03-05. Periodic inspections after construction.**

The department may require inspection of a dam, dike, or other device as often as necessary after construction to protect property and assure safety.

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

**General Authority:** NDCC 61-03-13

**Law Implemented:** NDCC 61-04-11, 61-16.1-38

#### **89-08-03-06. As built plans.**

Repealed effective January 1, 2015.

#### **89-08-03-07. Access to dams for inspection.**

The department has authority to enter upon land to inspect a dam during construction, conduct periodic dam inspections after construction, or conduct a dam inspection in response to a complaint that the dam is unsafe. Except in emergency situations as determined by the director, the department will request permission from the landowner to enter the property. If the landowner refuses to give permission or fails to respond within five days of the request, the department may request a district court order for authorization to enter the property to inspect the dam.

**History:** Effective January 1, 2015; amended effective January 1, 2023.

**General Authority:** NDCC 61-03-13

**Law Implemented:** NDCC 61-03-21.1