

Gibbs Township  
Rules - Ordinance - Statutes - Charter

*Updates are in Italics.*

**ND Century Code, Background and reference:**

- NDCC 40-01.1 LOCAL GOVERNANCE ADVISORY STUDY
- NDCC 44-04 DUTIES, RECORDS, AND MEETINGS; 44-04-17.1. Definitions.13. "Public entity"
- All NDCC Chapters under Title 58 Townships
- NDCC 58-01-04. Presumption of regular enactment, adoption, or amendment of bylaws, resolutions, or regulations.
- North Dakota Township Officers Association (NDTOA) Handbook
- Burleigh County Township Officers Association (BCTOA) Handbook

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**Part I – Township and Township Officials**

1. This is not the Bylaws of Gibbs Township.
  - a. This is a guideline for the township officials, residents and freeholders to follow.
  - b. Any time a new policy, or rule or ordinance is established it will be recorded in this document for future reference.
  - c. This document should be reviewed annually to ensure it is still in compliance with the actions of the township.
  - d. Updates to this document can be made as needed to confirm its validity to the township.
  - e. Reference: NDCC 58-03-10. Township bylaws - Clerk must publish and record.
  
2. Gibbs Township will follow the written laws, rules, ordinances, covenants and regulations of those higher governing bodies, but retains the right to question those that are not of common peoples' rights. To include but not limited to: Federal Laws, State Laws as written in the ND Century Code, Burleigh County Ordances and since some of the township falls within the City of Bismarck Legal Limits and Extra Territorial Area Bismarck Ordinance.
  
3. Governing bodies, (ranking in order lowest to highest), Gibbs Township recognizes: Subdivision or Home Owners Associations, Townships, City, County, State, and Country.

4. Roadway and Road design: Gibbs Township will follow the designs set forth by the Burleigh Co Highway Department (BCHD) Engineers with the exception of the Residential Subdivision Roadway Standards in subparagraph b, below

- a. We recommend to Subdivision Developers:
  - i. Have a responsibility to perform all road repairs needed, to include but not limited to, crack seal, chip seal, and edge replacement as the subdivision progresses.
  - ii. Do the pavement initial chip seal once 95% of the property lots have homes built to turnkey construction standards; if not already done so.
  - iii. Have regular inspections of the road(s) construction by the BCHD Engineers Team.
  - iv. Coordinate and request the BCHD Engineers to be onsite or do these regular daily inspections to ensure no future issues will arise with the roads within the subdivision.
  - v. These actions will assure future lot owners that the developer is acting in good faith to keep a high standard within the new subdivision.
- b. BCHD Standards: 4" Minimum FAA 42, FAA 43, or Approved Equivalent Hot Mix Asphalt. 6" Minimum Depth Class 5 or Approved Equal Base Layer. Gibbs Township Standards: 2 (two) 3" Minimum FAA 42, FAA 43, or Approved Equivalent Hot Mix Asphalt layers. 1' (12-in) Minimum Depth Class 5 or Approved Equal Base Layer. Reference Burleigh County Highway Department (BCHD) Engineers for future changes and exceptions.

5. *Maintenance of Township and Subdivision Roads both gravel and paved:*

- a. Defined:
  - i. Township roads are east - west avenues and north – south streets, paved or graveled and all unpaved subdivision roads.
  - ii. Paved Subdivision are classified as semiprivate drives and are very expensive to maintain verses gravel roads. They also are predominantly used by those people who live there and not the general public.
- b. The township will contract with BCHD for road maintenance to include but not limited to grading, blading, crack sealing, chip sealing, milling/lifts and graveling.
  - i. Reference Appendix A - Gibbs Township Roads (Gravel and Paved) DOES NOT INCLUDE SUBDIVISION ROADS
  - ii. Reference Appendix B - Gibbs Township Subdivisions
  - iii. The township will play a key role to the road maintenance program and since some roads were better built and last longer than others, the timeline rules can be shortened or lengthen hence the term "as needed" is implied.
  - iv. Reference paragraph 13, a, iii below for project consideration timeline.
- c. Township paved roads are the townships responsibility to maintain. Project planning should be for biannual crack seal and chip seal as needed or every ten years. Milling and replacement lifts will be determined on an as needed basis.
- d. Township gravel roads are the townships responsibility to maintain. *Gravel lifts will be part of the annual contract with BCHD or Private Contractor.*
  - i. *If using the BCHD not later than February 15, annually Township Officials, must inspect the township gravel roads, determine which roads need gravel and which gravel/borrow pit (Material Source) to purchase the gravel from. Amounts will be calculated by Cubic Yards per mile selected. BCHD requests using a five load*

*minimum per graveling site, this can be adjusted by working with the BCHD Engineers when needed.*

- ii. If using a Private Contractor Township Officials, must inspect the township gravel roads, determine which roads need gravel and which gravel/borrow pit (Material Source) to purchase the gravel from. Amounts will be calculated by Cubic Yards per mile selected. Coordination with the Private Contactor should be made in the month of February.*
- iii. In those instances where a subdivision will need extensive road rebuilding and or maintenance the township will request Burleigh County to create of a special assessment district (Reference NDCC Chapter 58-18 Special Assessments by Township), but only when the project will cost \$60,000 or more.*
- e. All paved subdivision roads are a part of the township, and the township will pay for biannual crack seal and chip seal every ten years or as needed.
- f. All gravel subdivision roads are a part of the township and the township will pay for gravel lifts every three to five years or as needed.
- g. Damages done due to negligence to any subdivision road is the responsibility of the landowner to have it repaired or notify the township of the damage where the township will have the BCHD repair it then bill the landowner through their property taxes.
- h. The graveling, grading and blading of township gravel roads.
  - i. Blade gravel roads only after substantial rainfall or precipitation event.
  - ii. Each spring all shoulders are pulled in / onto road and blended with existing road surface material.
  - iii. After the operator has bladed the road we must have a crown in the road, with no windrows left on either edges and no undercutting shoulders as to make a curb and gutter effect.
- i. All township section lines are considered road driving surfaces and must be bored. A project map, including profile view, showing the exact location of each crossing must be submitted with the application. Each bore MUST have a separate permit.
  - i. Applicant shall be responsible to leave site in same condition as before crossing was made and repair any damages resulting from crossing.
  - ii. Applicant shall promptly remove said facilities from right-of-way, or shall relocate or adjust said facilities, at its sole cost and expense when requested to do so by the Board or their representative. The Township shall not be held liable for damage to said facilities located within the public right-of-way resulting from reconstruction or maintenance of the highway.
  - iii. A road/section line crossing permit is granted exclusively for a single bore as stated in the permit. Applicant shall not open cut or otherwise trench across the subject road/section line or any other Township Road/section line within the Township. In the event Applicant violates the provisions of the permit in any manner, including the prohibition against open cuts or trenching, Applicant shall be charged and pay the Township a fee of up to \$25,000.00. If Applicant fails to pay this fee within twenty (20) days of a demand by the Township, the Township has the right to collect this fee in any manner allowed by law, including the right to bring a civil action to collect such fee. Applicant shall be responsible for all legal fees and expenses, court costs and expenses, including reasonable attorney's fees, incurred by the Township in collecting the fee, whether by civil action or otherwise.

6. Traffic Signage:

- a. In accordance with the road maintenance agreement the County takes responsibility of the road signs within the county. This can be viewed under the Burleigh County Website / Parcel Viewer / Map Layers / Signs.
- b. The township will perform an annual roadway sign inventory of those township signs not covered by the maintenance agreement. The inspection will ensure traffic signs are not damaged, missing and are readable in accordance with standards set forth by the federal highway authority.
- c. Subdivision Developers will provide and install the initial signage for a new subdivision in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways. To include but not limited to all Regulatory, Warning, Guide, Services, Construction, Recreation and School Zone Signs.

7. Right of Way Obstructions - Whether grown or man-made it is the responsibility of the adjacent landowner to remove or have it removed at their expense.

8. Rural property can be used for agriculture, residential, commercial / industrial, green way / conservation or any other type of zoning. If property is found to be used for what it is not zoned for the township assessor will be notified and a new / reassessment will be made.

9. The township is not the final say in the platting of a subdivision but will make recommendations' and record them in the township minutes.

10. Transparency: the township records are open for public inspection upon request in accordance with NDCC and charges for copies can be claimed by the township according to the NDCC 44-04-18. Access to public records - Electronically stored information. The treasure will relinquish the check book and ledgers annually for auditing.

11. The townships website policy

- a. We do not have nor will post to any notification to any social media platforms and anything found posted there is not endorsed by the township.
- b. Gibbs Township Website URL is: [Gibbs Township, Burleigh County, ND - Home \(gibbsburleightownship.org\)](http://GibbsTownship,BurleighCounty,ND-Home(gibbsburleightownship.org)). Our website policy can be found there.
- c. This policy should be reviewed annually at the regular meeting in June.

12. Procedure for contacting the township officials:

- a. In case of an Emergency please call **911**.
- b. Anyone, Residents, Freeholders and Nonresidents, may contact any of the three township supervisors to register a complaint, praise, advisory or what have you. The contact information is listed on the Burleigh County website under Townships, under Gibbs Township.
- c. We do ask that you have your name, address, phone number and email address at hand as you will be asked for it for follow up purposes. The township officials will never sell personal information to anyone.

13. Known Agreements:

- a. Annually Gibbs will sign a maintenance agreement and plan with the BCHD. In addition, we want to ensure our roads have a chance to stay in good condition with the following stipulations which should be reminded to the BCHD from time to time.
    - i. Gravel Roads: This includes all subdivisions with gravel roads. Only bladed after a good rain. Pull Road Shoulder in to reclaim gravel in early spring, blade this material across the grade for incorporation to the surface gravel. After blading leave no wind rows on either edge of gravel surface. Water and compaction must be used where needed. No curb and gutter effect (which hold moisture on the road surface. A proper crown must be left in the road after blading.
    - ii. Paved Roads: This includes all Subdivisions with paved roads. Biannually Township will pay for crack sealing. It is recommended the crack sealing be done to the standards of NDDOT or NDLTAP Crack Seal Best Practices. Chip seal done every ten years or as needed (some roads were better built and last longer than others, hence as needed). Milling and replacement lifts will be determined on an as needed basis.
    - iii. All road projects have to be planned no matter how big or small. They will be carried out under the oversight of the BCHD. To ensure our expenditures are the best we can get for the lowest costs we want to provide BCHD with both a short- and long-range plan for all projects. Keeping in mind large projects will need a larger planning window than small ones.
  - b. 84<sup>th</sup> Ave in Section 2, boarder with Naughton Twp. Any road maintenance is split 50/50 with both Townships.
  - c. 52<sup>nd</sup> St in Section 6, boarder with Hay Creek Twp, .6 mile north of 71<sup>st</sup> Ave is Gibbs Twp responsibility.
14. All mail delivery containers (boxes) designed to US Postal Service or any other delivered media on township roads (to include subdivision roads) must be installed on breakaway type materials. E.g., thin wall pipe, pressure treated wood etc.... See the USPS website for specifics on construction and installation, [How to Install a Mailbox | USPS](#).
15. Weed Control:
- a. The Burleigh County Weed Board controls noxious weeds in the right-of-way and public lands throughout the County to control and prevent the spread of noxious weeds in accordance with [ND Century Code 4.1-47-02](#). The Weed Board can answer questions regarding the control of noxious weeds in the state, cost share information, plant identification, assisting with weed control plans on your property. Burleigh County coverage areas include 200 miles of state highways, 896 miles of township roads, 584 miles of county roads and 67 bridges. Also covered are 47 townships including 6 unorganized townships. The Weed Board Cost Share program is financial assistance for the landowner within Burleigh County. This program is available only for landowners outside the city limits. See the Burleigh County Weed Board on the Burleigh County Website for more information.
  - b. The township relies upon its leadership and residence to notify the Burleigh County Weed Board of any noxious weeds on private land, in the right-of-way and on public lands throughout the township and our noticeable in our bordering townships. In accordance with the NDCC referenced in the paragraph above (16, a), counties have a program for assisting landowners with limited cost share and the counties through tax levy and state appropriations are paid for weed control. If in the future Burleigh County

feels they need additional funding for the control of noxious weeds within Gibbs Township we hope they will coordinate with the township.

16. All township officials will be expected if not required to attend meeting from time-to-time Appendix C – Gibbs Township Known Meetings and Events is a listing of some if not all those meetings and events. Dates for township meetings should be programs out as far as possible to ensure maximum attendance, and facility availability.

17. From time to time the Township will need to purchase and update equipment for use by the township and township officials. An inventory of all equipment or licenses purchased or owned by the township will be kept and updated by the township clerk. Recovery of said equipment from officials who have left the township will be the responsibility of the chairperson. Disposal of equipment will be means of sales or recycling to achieve as much money as possible to be paid back to the township.

18. Mill levy calculations are in Appendix D

19. On even number years the NDTOA Publishes a new Township Office Handbook. The NDTOA Handbook is a listing of NDCC's that apply to townships. The reference documents, guides and future letters used by the township, that reference the NDCC should be checked to ensure validity.

20. *Gibbs Township and BCHD no longer gravels or coordinates graveling of private drives. Owners will have to contact local contractors or do it themselves as long as no damage is done to County or Township roadways.*

## **Part II – Subdivisions**

1. Gibbs Township recommends all Subdivisions to establish an association. This association can be either a due paying or non-dues paying program.
  - a. Single or low lots subdivisions are exempt from this paragraph.
  - b. If a due paying association, then the rules that govern the township in finances, bonding, auditing and multi person check writing will be adhered too.
  - c. This association will be governed by a minimum of three Magistrates.
  - d. Magistrates are nominated and elected by popular vote of those lot owners within the subdivision.
  - e. In fairness to all who live or own property within the subdivision, each platted lot will have only one vote.
  - f. Terms are for three years, with only one office opening elected annually.
  - g. They will hold an annual meeting the 4<sup>th</sup> (Fourth) Tuesday in March and report the names of all Officials to the township clerk.
  - h. The Magistrates will elect a chairperson.
  - i. The association can elect or appoint a clerk to document their proceedings.
2. Traffic in Subdivisions that have paved roads.
  - a. The major damage of these roads comes when two vehicles meet and normally it is the School Bus Traffic and Garbage Truck traffic that causes the edge damage. In order to save the edges of our roads we recommend the larger vehicles will have the right of way and stay closer to the center of the road when traveling within the subdivisions.

- b. Trash cans for garbage pickup day should be place at the end of the property owner's driveway and at least 2 feet out away from the paved road edge towards the center of the subdivision road. This too will save the road edges.
  - c. Contractors and material delivery vehicles must be at least two to three feet from the edge of the road to alleviate the road edge breakdown.
3. National Flood Insurance
- a. If owned real property is in the FEMA Flood zone areas no matter the elevation the Owners of the Real Property should have flood insurance or protection.
  - b. Flood zones change from time to time and it is up to the real property owner to insure they are properly covered under the national flood insurance program.
  - c. Refer to the FEMA webpage for more information.

**Part III – Known Agreements and Contacts:**

Gibbs Twp Loss of Zoning:

Burleigh County initially approached Gibbs Township in May 1963 for the County to take over Zoning. A letter sent from the Co Auditor to the Twp Chair show what they must do. At the following meeting, the action was tabled until.

Sep 7, 1972, when again the county came after the township and the township gave up their zoning rights.

Sept. 7-1972

A Special Meeting Called to order by Dan Voegel  
 Chairman of the board, all members present, <sup>at this</sup> meeting  
 was to draw up a Resolution, to give Burleigh <sup>County</sup> Zoning  
 Board the power to zone Gibbs Township agricultural, and  
 the parts that have been zoned prior to this, as amended,  
 Resolution: Whereas, the Gibbs Township Board of Supervisors being  
 in session, now, and Whereas, the Board feels that it is in the best  
 interests of the Township to relinquish their power to enact zoning reg-  
 ulations in the Township to the Burleigh County Board of Commissioners & Planning Commission  
 Now, Therefore, Be It Resolved, Pursuant to Section 11-20-20 of the North Dakota Con-  
 stitute Code that this board hereby relinquishes its power to enact zoning  
 regulations in Gibbs Township to the Burleigh County Board of Commissioners  
 & the Burleigh County Planning Commission, Copy on file. It was  
 moved by Dan Voegel & seconded by Virgil Sabot to appoint Anton  
 Huber to the zoning board to replace Charles Schroeder effective  
 immediately.

Daniel Voegel  
 Henry Pfeiffer  
 Virgil Sabot

On a side note Gibbs Twp Minutes reflect on March 9, 1976 a motion by Supervisor Henry Geiger, seconded by Supervisor Dan Voegel the township regain the zoning rights. No further actions were found in minutes of subsequent years where this was completed. Amazingly enough Dan Voegel was the Chair for both actions.

Hay Creek:



**AGREEMENT**

WHEREAS, Hay Creek Township ("Hay Creek") and Gibbs Township ("Gibbs") in the County of Burleigh, State of North Dakota have adjoining boundaries; and

WHEREAS, 52<sup>nd</sup> Street SE separates Hay Creek and Gibbs; and

WEHREAS, Gibbs and Hay Creek desire to divide the responsibilities for the maintenance of portions of 52<sup>nd</sup> Street SE;

NOW THEREFORE, Gibbs and Hay Creek agree as follows:

1. **HAY CREEK'S RESPONSIBILITY:** Hay Creek shall be responsible for the surfacing, grading, repairs, and maintenance of that portion of 52<sup>nd</sup> Street SE that extends from 71<sup>st</sup> Avenue NW to 43<sup>rd</sup> Avenue NW.

2. **GIBBS' RESPONSIBILITY:** Gibbs shall be responsible for the surfacing, grading, repairs, and maintenance of that portion of 52<sup>nd</sup> Street SE that runs from 71<sup>st</sup> Avenue NW to 84<sup>th</sup> Avenue NW and also from 43<sup>rd</sup> Avenue South to Interstate 94.

3. **AUTHORITY:** Each Township shall have complete and exclusive authority over those portions of 52<sup>nd</sup> Street SE that they are responsible for.

4. **GRANT OF ACCESS:** Each Township grants each other the control and usage of the right-of-ways adjacent to those portions of 52<sup>nd</sup> Street SE for which each Township is responsible for.

Each Township grants to the other reasonable rights of access and passage over their respective rights-of-way, easements, and any other property rights they hold for the purpose of conducting surfacing, maintenance, and repairs over the roadway that the Township is responsible for.

5. **TERM:** This maintenance agreement shall be effective and binding on both parties for fifty (50) years.

6. **INDEMNIFICATION:** With respect to the roadway that each Township has agreed to maintain, each Township agrees to indemnify and hold the other harmless from all claims of any kind, of every person, including without limitation, employees of the indemnifying party, contractors, employees, guests, and the general public, which arise from or out of the construction, maintenance, usage, repair, or possession of the roadway.

7. **AMENDMENT:** This Agreement may be amended at any time in writing signed by the parties of this Agreement.

Dated this 18<sup>th</sup> day of Sept., 2007.

HAY CREEK TOWNSHIP

GIBBS TOWNSHIP

BY: Dan Madini

BY: [Signature]

BY: Laddell Jochim

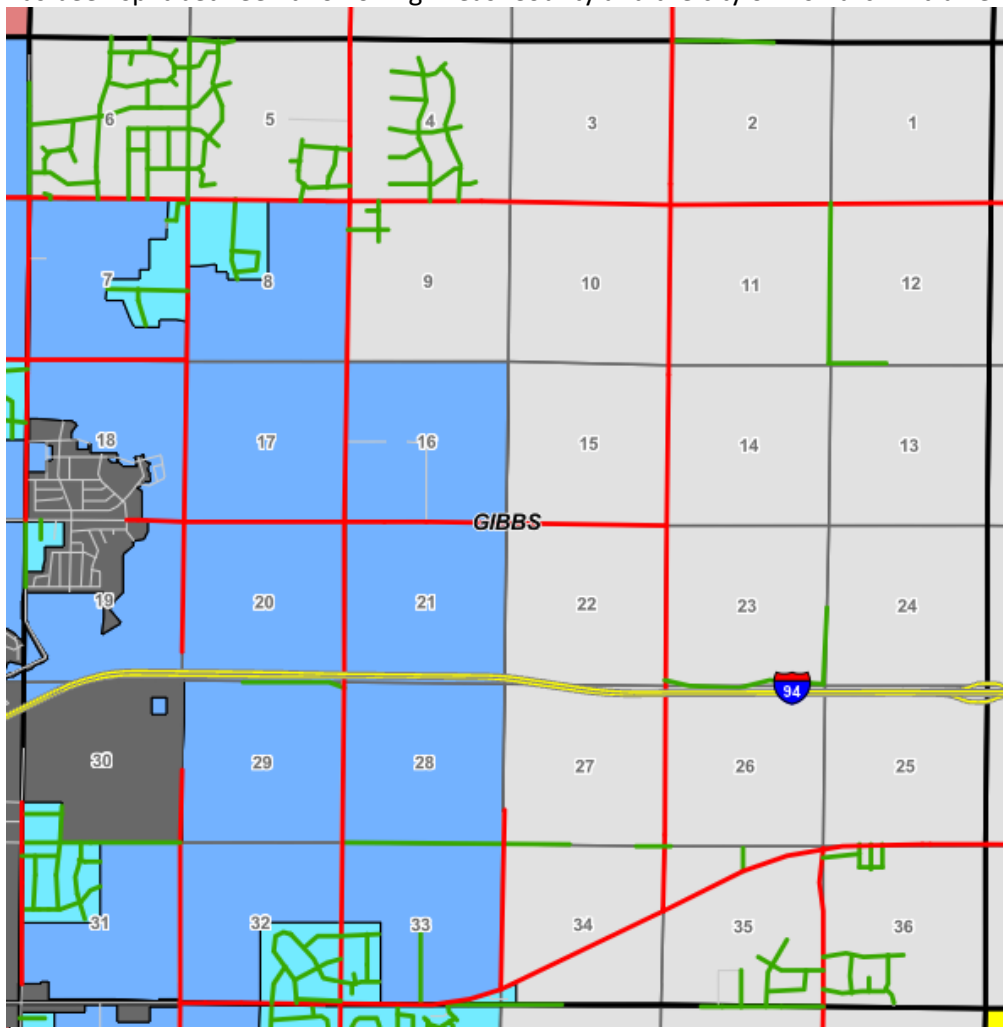
BY: [Signature]

BY: [Signature]

BY: [Signature]

**Part IV – County, Burleigh**

Since 1980's when the then Township Board relinquished the zoning authority; Gibbs Township Zoning has been split between two Zoning Areas: County and the city of Bismarck Extra Territorial Area (ETA)



**Legend For The Selected Basemap**

- Bismarck ETA (Pending Removal)
- Bismarck ETA
- Lincoln ETA
- Missouri-Telfer-Boyd Township Zoning Board
- Organized Township
- Unorganized Township
- Incorporated City
- County Road
- Township Road
- State & Federal Highways
- City Road / Other Road

**Part V – City, Bismarck**

*Nothing Currently*