

ORDINANCE NO. 239-18

AN ORDINANCE TO AMEND AND REENACT SECTION 5-0801 AND TO REPEAL AND REENACT SECTION 5-0802 OF THE REVISED ORDINANCES OF 2000 OF THE CITY OF MAPLETON RELATING TO THE INTERNATIONAL EXISTING BUILDING CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLETON, NORTH DAKOTA:

SECTION 1. Section 5-0801 of the Revised Ordinances of 2000 of the City of Mapleton is hereby amended and reenacted to read as follows:

5-0801. ADOPTION OF INTERNATIONAL EXISTING BUILDING CODE. There is hereby adopted by reference by the City Council, for the purpose of prescribing regulations governing standards, relative to housing in the City of Mapleton, that certain code known as the International Existing Building Code, recommended and compiled by the International Code Council, being particularly the ~~2009~~ 2015 edition thereof, as the same are now established in said code, a copy of which is on file in the office of the Building Administrator for the City of Mapleton, with the exception of the sections hereinafter set forth affecting local conditions of the City of Mapleton, which sections shall be substituted for and in lieu of like sections or paragraphs in said International Existing Building Code; the City Council of said City of Mapleton, by this section hereby approves and adopts such rules and regulations, so modified, for the use and application within the city limits of Mapleton, North Dakota, as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the ~~2009~~ 2015 edition of the Code may be adopted by the City by resolution.

SECTION 2. Section 5-0802 of the Revised Ordinances of 2000 of the City of Mapleton is hereby repealed and reenacted to read as follows:

5-0802. AMENDMENT TO INTERNATIONAL EXISTING BUILDING CODE. The International Existing Building Code, as adopted in Section 5-0801 is hereby changed and amended as follows:

SECTION 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of ~~(NAME OF JURISDICTION)~~ the City of Mapleton hereinafter referred to as “this code.”

SECTION 101.2 is hereby amended to read as follows:

101.2 Scope. The provisions of the *International Existing Building Code* shall apply to the *repair, alteration, change of occupancy, addition* to and relocation of *existing buildings*.

Exception: Existing buildings may use Chapter 34 of the 2012 International Building Code as an alternative to this code.

SECTION 104.2.1.1 is hereby amended to read as follows:

104.2.1.1 Building evaluation. The *code official* is authorized to require an *existing building* to be investigated and evaluated at the owner's expense by a registered design professional based on the circumstances agreed upon at the preliminary meeting. The design professional shall notify the *code official* if any potential nonconformance with the provisions of this code is identified.

SECTION 104.8 is hereby amended to add a new final paragraph to read as follows:

[A] 104.8 Liability. The *building official*, member of the board of appeals or employee charged with the enforcement of this code. While acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be ~~civily or criminally~~ rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for the cost in any action, suit or proceeding that is instituted in pursuant of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

SECTION 104.8.1 is hereby deleted in its entirety.

SECTION 104.10.1 is hereby deleted in its entirety.

SECTION 105.2 is hereby amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Sidewalks, retaining walls, and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and that are not part of an accessible route.
2. Painting, papering, tiling

6. Movable cases, counters and partitions not over 96 inches (1753 mm) in height.
7. Reroofing.

SECTION 106.3.1 is hereby amended to read as follows:

106.3.1. Approval of construction documents. When the *code official*... One set of construction documents so reviewed shall be retained by the *code official*. ~~The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or by a duly authorized representative.~~

SECTION 109.3.3 is hereby deleted in its entirety and subsequent sections renumbered accordingly.

SECTION 112 is hereby deleted in its entirety.

SECTION 201.3 is hereby amended to add the following:

201.3 Terms defined in other codes. Where terms are not defined in the other *International Codes*, such terms shall have the meanings ascribed to them in those codes.

Wherever the term “International Plumbing Code” and/or the “International Private Sewage Disposal Code” is used in this Code, it shall mean the North Dakota State Plumbing Code. Wherever the term “ICC Electrical Code” is used in this Code, it shall mean the National Electric Code together with the North Dakota State Wiring Standards. Wherever the term “Flood Hazard Area” is used, it shall mean the West Fargo Flood Plain Management ordinance together with the Flood Proofing Code of the City of West Fargo, North Dakota.

SECTION 402.2 is hereby deleted in its entirety.

SECTION 403.2 is hereby deleted in its entirety.

SECTION 404.5 is hereby deleted in its entirety.

SECTION 408.2 is hereby deleted in its entirety.

SECTION 601.3 is hereby deleted in its entirety.

SECTION 606.2.4 is hereby deleted in its entirety.

SECTION 701.3 is hereby deleted in its entirety.

SECTION 1103.5 is hereby deleted in its entirety.

SECTION 1201.4 is hereby deleted in its entirety.

SECTION 1301.2 is hereby amended by adding a new second paragraph to read as follows:

1301.2 Conformance. ~~The building shall be safe for human occupancy as determined by the *International Fire Code* and the *International Property Maintenance Code*. Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field fabricated elements shall comply with the requirements of the *International Building Code* or the *International Residential Code* as applicable. Buildings to be moved within this jurisdiction shall comply with provisions of this Chapter. Buildings to be moved into this jurisdiction shall comply with the provisions of the International Codes for new buildings and shall be certified as to that compliance by an agency approved by the code official.~~

SECTION 1302.6 is hereby deleted in its entirety.

SECTION 1401.2 is hereby amended to read as follows:

1401.2 Applicability. Structures existing prior to ~~{DATE TO BE INSERTED BY THE JURISDICTION}~~ 1952 in which there is work involving *additions, alterations, or changes of occupancy* shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Section 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I-1, I-3 or I-4.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

Mayor

ATTEST:

City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication: