

ORDINANCE NO. 241-18

AN ORDINANCE TO AMEND AND REENACT SECTION 5-0601 AND TO REPEAL AND REENACT SECTION 5-0602 OF THE REVISED ORDINANCES OF 2000 OF THE CITY OF MAPLETON RELATING TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

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

SECTION 1. Section 5-0601 of the Revised Ordinances of 2000 of the City of Mapleton is hereby amended and reenacted to read as follows:

5-0601. ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE 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 Property Maintenance 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 Property Maintenance 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. Provided, that any amendments of the ~~2009~~ 2015 edition of the Code may be adopted by the City by resolution.

SECTION 2. Section 5-0602 of the Revised Ordinances of 2000 of the City of Mapleton is hereby repealed and reenacted to read as follows:

5-0602. AMENDMENT TO INTERNATIONAL PROPERTY MAINTENANCE CODE. The International Property Maintenance Code, as adopted in Section 5-0601 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 *Property Maintenance Code* of ~~[NAME OF JURISDICTION]~~ the City of Mapleton, hereinafter to as “this code.”

**SECTION 102.3 is hereby amended to read as follows:**

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of ~~the International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and the NFPA 70~~ all applicable ordinances adopted by the City of Mapleton. ~~Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.~~

**SECTION 103.4 is hereby amended to read as follows:**

**R103.4 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 cost in any action, suit or proceeding that is instituted in pursuance 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 103.4.1 is hereby deleted in its entirety.**

**SECTION 103.5 is added to read as follows:**

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule:

- A. Initial Inspection - No charge
- B. First Re-inspection - No charge
- C. Second Re-inspection - As to the second re-inspection, a fee of \$100
- D. Third Re-inspection - as to the third re-inspection, a fee of \$100
- E. Fourth and continuing Re-inspection - as to the fourth and any subsequent re-inspection, a fee of \$100

**SECTION 111 is hereby deleted in its entirety.**

**SECTION 112.4 is hereby amended to read as follows:**

**112.4 Failure to comply.** Any person who shall continue any work after been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars~~ subject to penalties prescribed by law.

**SECTION 201.3 is hereby amended to add the following:**

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, ~~International Zoning Code~~ or NFPA 70, such terms shall have meanings ascribed to them as in those codes.

Throughout this code, wherever reference is made to the International Plumbing Code it shall mean the North Dakota State Plumbing Code. Throughout this code, wherever reference is made to the ICC Electrical Code it shall mean the National Electrical Code together with the North Dakota State Wiring Standards.

**SECTION 302.4 is hereby amended to read as follows:**

**302.4 Weeds.** All *premises* and *exterior property* shall be maintained free from weeds or plant growth ~~in excess of (jurisdiction to insert height in inches)~~ as per the City of West Fargo Ordinances. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

**SECTION 304.14 is hereby amended to read as follows:**

**304.14 Insect screens.** During the period from ~~[DATE]~~ April 1<sup>st</sup> to ~~[DATE]~~ October 31<sup>st</sup>, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**SECTION 602.2 is hereby amended to read as follows:**

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms ~~based on the winter outdoor design temperature for the~~

~~locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.~~

~~**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~

**SECTION 602.3 is hereby amended to read as follows:**

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from ~~[DATE]~~ September 15<sup>th</sup> to ~~[DATE]~~ June 1<sup>st</sup> to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity: ~~The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.~~
2. ~~In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.~~

**SECTION 602.4 is hereby amended to read as follows:**

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from ~~[DATE]~~ September 15<sup>th</sup> to ~~[DATE]~~ June 1<sup>st</sup> to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**SECTION 603.2 is hereby amended to read as follows:**

**603.2 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

~~**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.~~

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

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Mayor

ATTEST:

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City Auditor

Date of First Reading:

Date of Second Reading:

Date of Publication: