

TITLE V.

BUILDINGS

CHAPTERS:

- 5-01. International Building Code. (Ord. 206-11)
- 5-02. Dangerous Buildings.
- 5-03. Moving Buildings.
- 5-04. Flood Damage Prevention.
- 5-05. Minimum Housing Standards.
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CHAPTER 5-01

INTERNATIONAL BUILDING CODE

(Source: Ord. 206-11)

SECTIONS:

- 5-0101. Adoption of International Building Code.
- 5-0102. Modifications of International Building Code.  
(Source: Ord. 240-18, Sec. 2)
- 5-0103. Penalty.
- 5-0104. Appeals

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5-0101. Adoption of International Building Code. The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Mapleton, North Dakota, shall meet with the provisions of the rules and regulations of the 2015 edition of the International Building Code, of the International Code Council 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 in the City of Mapleton, which sections shall be substituted for and in lieu of like sections or paragraphs in said International Building Code; and the City Council of said City of Mapleton, by this section hereby approves and adopts such rules and regulations, as so modified, for use and application in the City of Mapleton, North Dakota, as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the 2015 edition of the International Building Code may be adopted by the City by resolution.

Source: Ord. 240-18, Sec. 1

5-0102. Modification of International Building Code. The International Building Code as adopted in Section 5-0101 is hereby changed and amended as follows:

**SECTION 101.1 is hereby amended to read as follows:**

**[A] 101.1 Title.** These regulations shall be known as the *Building Code* of ~~(NAME OF JURISDICTION)~~ the City of Mapleton hereinafter referred to as "this code."

**SECTION 101.4.3 is hereby amended to read as follows:**

**[A] 101.4.3 Plumbing.** The provisions of the ~~*International Plumbing Code*~~ North Dakota State

Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code North Dakota State Plumbing Code shall apply to private sewage disposal systems.

**SECTION 101.4.7 is hereby amended to read as follows:**

**[A] 101.4.7 Existing buildings.** The provisions of the *International Existing Building Code* shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Exception: Existing buildings may use Chapter 34 of the IBC 2012 as an alternative to using the IEBC 2015.

**SECTION 101.4.8 is hereby added to read as follows:**

Section 101.4.8. Where this code refers to flood requirements, the local jurisdiction flood plain management ordinance shall apply.

**SECTION 104.2.1 is hereby deleted in its entirety.**

**SECTION 104.8 is hereby amended 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 ~~civilly 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 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 . . .**

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar used, provided the floor area is not greater than 120 square feet (11 m<sup>2</sup>).
2. Fences not over ~~7~~ 8.5 feet (~~2134~~ 2591 mm) high.
3. Oil derricks. . . .
  
- ~~6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route. . . .~~
  
- ~~11. Swings and other playground equipment accessory to detached one- and two-family dwellings.~~
- ~~12. Window awnings in Group R-3 and U occupancies supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.~~
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Reroofing.

**SECTION 107.2.5.1 is hereby deleted in its entirety.**

**SECTION 107.3.1 is hereby amended to read as follows:**

**[A] 107.3.1. Approval of construction documents.** When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as

"Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building 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 a duly authorized representative.~~

**SECTION 109.2 is hereby amended to read as follows:**

**[A] 109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit and plan* review shall be paid as required, in accordance with the schedule as established by the ~~applicable governing authority~~ City Council. The plan review fees specified in this subsection are separate from, and in addition to, permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged in an amount not to exceed 50% of the building permit fee established in Section 108.2.

**SECTION 110.3.3 is hereby deleted in its entirety and subsequent sections renumbered accordingly.**

**SECTION 110.3.10.1 is hereby deleted in its entirety.**

**SECTION 113 is hereby deleted in its entirety.**

**SECTION 201.3 is hereby amended to read as follows:**

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in ~~the *International Energy Conservation Code, International Fuel Gas Code, International Fire Code, International Mechanical Code or International Plumbing Code*~~ other referenced codes as adopted by the jurisdiction, such terms shall have the meanings ascribed to them as in those coded.

**SECTION 305.2 is hereby amended to read as follows:**

**305.2. Group E, day care facilities.** This group includes buildings and structures or portions thereof occupied by more than ~~five~~ twelve children older than 2 1/2 years of age who receive educational, supervision or *personal care services* for fewer than 24 hours per day.

**SECTION 305.2.2 is hereby amended to read as follows:**

**305.2.2 ~~Five~~ Twelve or fewer children.** A facility having ~~five~~ twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

**SECTION 305.2.3 is hereby amended to read as follows:**

**305.2.3 ~~Five~~ Twelve or fewer children in a dwelling unit.** A facility such as the above within a *dwelling unit* and having ~~five~~ twelve or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

**SECTION 308.6 is hereby amended to read as follows:**

**308.6 Institutional Group I-4, day care facilities.** Institutional Group I-4 occupancy shall include buildings and structures occupied by more than ~~five~~ twelve persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care  
Child day care

**SECTION 308.6.1 is hereby amended to read as follows:**

**308.6.1 Classification as Group E.** A child day care facility that provides care for more than ~~five~~ twelve but no more than 100 children 2 1/2 years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit door* directly to the exterior, shall be classified as Group E.

**SECTION 308.6.3 is hereby amended to read as follows:**

**308.6.3 ~~Five~~ Twelve or fewer persons receiving care.** A facility having ~~five~~ twelve or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.

**SECTION 308.6.4 is hereby amended to read as follows:**

**308.6.4 ~~Five~~ Twelve or fewer persons receiving care in a dwelling unit.** A facility such as the above within a *dwelling unit* and having ~~five~~ twelve or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

**SECTION 406.3.4.1 is hereby amended to read as follows:**

**406.3.4.1 Dwelling unit separation.** The private garage shall be separated from the *dwelling unit* and its *attic* area by means of gypsum board, not less than 1/2 inch (12.7 mm) in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (15.9 mm) Type X gypsum board or equivalent and 1/2-inch (12.7 mm) gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the *dwelling unit* shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) in thickness, or doors in compliance with Section 716.5.3 with a fire protection rating of not less than 20 minutes. ~~Doors shall be self-closing and self-latching.~~

**SECTION 706.6 is hereby amended to read as follows:**

**706.6 Vertical continuity.** *Fire walls* shall extend from the foundation to a termination point not less than 30 inches (762 mm) above both adjacent roofs.

**Exceptions:**

1. Stepped buildings in accordance with Section 706.6.1.
2. Two-hour . . .
  
6. Buildings with sloped roofs in accordance with Section 706.6.2.
7. Fire walls installed within detached structures of Group U or Group S-2 occupancies may terminate at the underside of the roof sheathing provided such walls are not required to be fire-resistive construction due to proximity to property lines.

**SECTION 801.5 is hereby deleted in its entirety:**

**SECTION 903.3.1.1 is hereby amended to read as follows:**

**[F] 903.3.1.1 NFPA 13 sprinkler systems.** Where the provisions of this code require that a building or portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Sections 903.3.1.1.1 and 903.3.1.1.2. Sprinkler heads in unoccupied mall tenant spaces may be installed at ceiling height if

allowed by the code official. Permission will be granted on an individual basis. Combustible storage shall not be allowed in these unoccupied tenant spaces if sprinkler heads are installed at ceiling height. Signage shall be provided where required.

**SECTION 905.1 is hereby amended to read as follows:**

**[F] Section 905.1. General.** Standpipe systems shall be provided in new buildings and structures in accordance with Sections 905.2 through 905.10. In buildings used for high-piled combustible storage, fire protection shall be in accordance with the *International Fire Code*.

**Exception:** The installation of fire hose on standpipes may be omitted when approved by the fire code official. Approved standpipe hose valves and connection shall be provided where required.

**SECTION 907.2.3 is hereby amended to read as follows:**

**[F] 907.2.3 Group E.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Where approved by the fire code official, a building's emergency communication system interfaced with the fire alarm system in accordance with NFPA 72 is acceptable.

**SECTION 907.2.11.1 is hereby amended to read as follows:**

**[F] 907.2.11.1 Group R-1.** Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.
3. In each *story* within the *sleeping unit*, including basements. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. In dwelling units where the ceiling height of a room open to the hallway serving the sleeping rooms exceeds that of the hallway by 24 inches (610 mm)

or more, smoke detectors shall be installed in the hallway and in the adjacent room.

**SECTION 907.2.11.2 is hereby amended to read as follows:**

**[F] 907.2.11.2 Groups R-2, R-3, R-4 and I-1.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant load* at all of the following locations.

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each *story* within a *dwelling unit*, including basements but not including crawl spaces and uninhabitable *attics*. In *dwelling*s or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full *story* below the upper level.

4. In dwelling units where the ceiling height of a room open to the hallway serving the sleeping rooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

**SECTION 1011.1 is hereby amended to read as follows:**

**1011.1 General.** *Stairways* serving occupied portions of a building shall comply with the requirements of Sections 1011.2 through 1011.13. *Alternating tread devices* shall comply with Section 1011.14. *Ships ladders* shall comply with Section 1011.15. *Ladders* shall comply with Section 1011.16.

**Exceptions:**

1. Within rooms or spaces used for assembly purposes, stepped aisles shall comply with Section 1029.

2. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public.

**SECTION 1011.2 is hereby amended to read as follows:**

**1011.2 Width and capacity.** The required capacity of *stairways* shall be determined as specified in Section 1005.1, but the minimum width shall be not less

than 44 inches (1118 mm). See Section 1009.3 for accessible means of egress stairways.

**Exceptions:**

1. *Stairways* serving an occupant load of less than 50 shall have a width of not less than 36 inches (914 mm).
2. *Spiral stairways* as provided for in Section 1011.10.
3. Where an incline platform lift or stairway chairlift is installed on *stairways* serving occupancies in Group R-3, or within *dwelling units* in occupancies in Group R-2, a clear passage width not less than 20 inches (508 mm) shall be provided. Where the seat and platform can be folded when not in use, the distance shall be measured from the folded position.
4. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public.

**SECTION 1011.5.2** is hereby amended to read as follows:

**1011.5.2 Riser height and tread depth.** *Stair riser ...*

... treads at the intersections with the walk line and a minimum tread depth of 10 inches (254 mm) within the clear width of the *stair*.

**Exceptions:**

1. *Spiral stairways ...*
5. In Group I-3 facilities, *stairways* providing access to guard towers, observation stations and control rooms, not more than 250 square feet (23 m<sub>2</sub>) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).
6. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a maximum 8 inch riser height and minimum 9 inch tread depth.

**SECTION 1011.11** is hereby amended to read as follows:

**1011.11 Handrails.** *Stairways* shall have *handrails* on each side and shall comply with Section 1014. Where glass is used to provide the *handrail*, the *handrail* shall comply with Section 2407.

**Exceptions:**

1. *Stairways* within ...

4. Changes in room elevations of three or fewer risers within dwelling units and sleeping units in Group R-2 and R-3 do not require *handrails*.

5. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public.

6. Vehicle service pit stairways are exempt from the rules for stairway railings and guards if they would prevent a vehicle from moving into a position over the pit.

**SECTION 1015.2** is hereby amended to read as follows:

**1015.2 Where required.** *Guards* shall be located along open-sided walking surfaces, including *mezzanines, equipment platforms, aisles, stairs, ramps* and landings that are located more than 30 inches (762 mm) ~~measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side above the floor or grade below or if within 36 inches (914 mm) horizontally to the edge of the open side~~ the vertical measurement to the floor or grade below is greater than 48 inches. *Guards* shall be adequate in strength and attachment in accordance with Section 1607.8.

**SECTION 1104.4** is hereby amended to read as follows:

**1104.4 Multilevel buildings and facilities.** At least one *accessible route* shall connect each *accessible story* and *mezzanine* in multilevel buildings and *facilities*.

**Exceptions:**

1. An *accessible route* is not required to *stories, basements* and *mezzanines* that have an ~~aggregate~~ area of not more than 3,000 square feet (278.7 m<sub>2</sub>) and are located above ~~and~~ or below *accessible levels* and are below the third story. This exception shall not apply to:

1.1. Multiple tenant facilities of Group M occupancies..

**SECTION 1203.1** is hereby amended to read as follows:

**1203.1 General.** Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *International Mechanical Code*.

~~Where the air infiltration rate in a dwelling unit is less than 5 air changes per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section R402.4.1.2 of the International Energy Conservation Code Residential Provisions, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403 of the International Mechanical Code. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407 of the International Mechanical Code.~~

**SECTION 1207 is hereby deleted in its entirety.**

**SECTION 1403.6 is hereby deleted in its entirety.**

**SECTION 1403.7 is hereby deleted in its entirety.**

**SECTION 1507.2.6 is hereby amended to read as follows:**

**1507.2.6 Fasteners.** Fasteners for asphalt shingles shall be galvanized, stainless steel, aluminum, or copper roofing nails, minimum 12 gage [0.105 inch (2.67 mm)] shank with a minimum 3/8-inch-diameter (9.5 mm) head, of a length to penetrate through the roofing materials and a minimum of 3/4 inch (19.1 mm) into the roof sheathing or other fasteners as approved by the building official and shingle manufacturer. Where the roof sheathing is less than 3/4 inch (19.1 mm) thick, the nails shall penetrate through the sheathing. Fasteners shall comply with ASTM F1667.

**SECTION 1511 is hereby deleted and relocated as Appendix N.**

**SECTION 1601.1 is hereby amended to read as follows:**

**1601.1 Scope.** The provisions of this chapter shall govern the structural design of buildings, structures and portions thereof regulated by this code.

It shall not be the responsibility of the building official to determine engineering requirements of this code. Exclusive of the conventional light-framing wood construction provisions referenced in Section 2308, the method to resist loads as referenced in this chapter is the responsibility of a structural engineer or other qualified design professional.

**SECTION 1603.1 is hereby amended to read as follows:**

**1603.1 General.** *Construction documents* shall show the size, section and relative locations of structural members with floor levels, column centers and offsets dimensioned. The design loads and other information

pertinent to the structural design required by Sections 1603.1.1 through 1603.1.8 shall be indicated on the *construction documents*.

**Exception:** *Construction documents* for buildings constructed in accordance with the *conventional light-frame construction* provisions of Section 2308 shall indicate the following structural design information:

1. Floor and roof live loads.
2. Ground snow load, *Pg. ...*

- ~~5. Flood design data, if located in flood hazard areas established in Section 1612.3.~~
6. Design load-bearing values of soils.

**SECTION 1603.1.7 is hereby deleted in its entirety.**

**SECTION 1610.1 exception is hereby amended to read as follows:**

**1610.1 General.** Foundation walls and retaining walls .  
. .

**Exception:** Foundation walls extending not more than  $\phi$  9 feet (2438 mm) below grade and laterally supported at the top by flexible diaphragms shall be permitted to be designed for active pressure.

**SECTION 1612 is hereby deleted in its entirety.**

**SECTION 1804.4 is hereby amended to read as follows:**

**1804.4 Site grading.** ~~The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal distance, a 5-percent slope shall be provided to an approved alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 2 percent where located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.~~ Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection. Lots shall be graded to drain surface water away from foundation walls.

~~**Exception:** Where climatic or soil conditions warrant, the slope of the ground away from the building foundation shall be permitted to be~~

~~reduced to not less than one unit vertical in 48 units horizontal (2 percent slope).~~

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of the backfill.

**SECTION 1804.5 is hereby deleted in its entirety.**

**SECTION 1805.1.2.1 is hereby deleted in its entirety.**

**SECTION 1809.5 is hereby amended to read as follows:**

**1809.5. Frost protection.** Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of the locality.
2. Constructing in accordance with ASCE 32.
3. Erecting on solid rock.

**Exception:** Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to *Risk Category I*.
2. Area of 600 square feet (56 m<sup>2</sup>) or less for light-frame construction or 400 square feet (37 m<sup>2</sup>) or less for other than light-frame construction.
3. Eave height of 10 feet (3048 mm) or less.
4. Free-standing buildings used as Group U occupancies for the storage of private or pleasure-type vehicles constructed in accordance with Sections 406.3.1

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

**SECTION 2901.1 is hereby amended to read as follows:**

**[P] 2901.1 Scope.** The provisions of this chapter and the ~~*International Plumbing Code*~~ North Dakota State Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the ~~*International Plumbing Code*~~ North Dakota State Plumbing Code. Private sewage disposal systems shall conform to the ~~*International Private Sewage Disposal Code*~~ North Dakota State Plumbing Code.

**SECTION 3102.7 is hereby amended to read as follows:**

**3102.7. Engineering Design.** The structure shall be designed and constructed to sustain dead loads, loads due to tension or inflation, live loads including wind, snow ~~or flood~~ and seismic loads and in accordance with Chapter 16.

**SECTION 3109 is hereby deleted and relocated as Appendix O.**

**SECTION 3313 is hereby deleted in its entirety.**

The following amendments are applicable to Chapter 34 of the 2012 International Building Code:

**SECTION 3403.2 is hereby deleted in its entirety.**

**SECTION 3404.2 is hereby deleted in its entirety.**

**SECTION 3405.5 is hereby deleted in its entirety.**

**SECTION 3409.2 is hereby deleted in its entirety.**

**SECTION 3410.1 is hereby amended to read as follows:**

**3410.1 Conformance.** Structures moved into ~~or within~~ the jurisdiction shall comply with the provisions of this code for new structures.

**SECTION 3412.2 is hereby amended to read as follows:**

**3412.2 Applicability.** Structures existing prior to 1952 [~~DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION~~], in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Section 3403 through 3409. The provisions in Section 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Group A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

**SECTION 3412.2.4.1 is hereby deleted in its entirety.**

5-0103. Penalty. Any person violating any provision of the International Building Code adopted by this title or any section of this title shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

5-0104. Appeals. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. The Mapleton Council shall be the Board of Appeals. An appeal in writing to the Code Official must be made within 20 days of the decision of the Code Official. The Mapleton City Council shall hear the appeal within 30 days of the Code Official receiving written notice of the appeal. The Council may only reverse or modify a decision of the Code Official by a vote of at least three members of the Council. If not all members of the Council are present at the hearing, the person appealing the decision may request a postponement, which may extend the 30-day period to hold such a hearing. An application for an appeal shall be based on a claim that the true intent of the Code has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equally good or better form of construction is proposed. The Council shall have no authority to waive requirements of the Code.

## CHAPTER 5-02

### DANGEROUS BUILDINGS

#### SECTIONS:

- 5-0201. Definitions
- 5-0202. Standards for Repair, Vacation, or Demolition.
- 5-0203. Dangerous Buildings - Nuisances.
- 5-0204. Duties of Building Administrator.
- 5-0205. Duties of City Council.
- 5-0206. Owner Absent from the City.
- 5-0207. Appeal.
- 5-0208. Penalty.

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5-0201. **DEFINITIONS.** All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- (a) Those whose interior walls or other vertical structural members lean, list or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (b) Those which, exclusive of the foundation, show thirty-three percent or more of damage or deterioration of the supporting member or members, or fifty percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
- (e) Those which have become, or are, so dilapidated, decayed, unsafe or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause or aggravate sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein.

- (f) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- (g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.
- (h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (i) Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this city.
- (j) Those buildings existing in violation of any provision of the Building Code, zoning ordinances, any provision of the Fire Prevention Code or other ordinances of this city.

5-0202. **STANDARDS FOR REPAIR, VACATION, OR DEMOLITION.** The following standards shall be followed in substance by the Board of City Council in ordering repair, vacation, or demolition:

- (a) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.
- (b) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.
- (c) In any case where a "dangerous building" is fifty percent damaged, decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer be in violation of the terms of this chapter, it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of this city or statute of the state of North Dakota, it shall be demolished.

5-0203. **DANGEROUS BUILDINGS - NUISANCES.** All "dangerous buildings" within the terms or Section 5-0201 are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

5-0204. **DUTIES OF BUILDING ADMINISTRATOR.** The building administrator shall:

- (a) Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this chapter.
- (b) Inspect any building, wall, or structure reported (as hereinafter provided for) by any agent of the City as probably existing in violation of the terms of this chapter.
- (c) Notify in writing the owner, occupant, lessee, mortgagee, and all other persons having an interest in said building, as shown by the records in the office of the register of deeds of the county of Cass, of any building found by the building administrator to be a "dangerous building" within the standards set forth in Section 5-0201 of this chapter, that: (1) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this chapter; (2) the owner or occupant must vacate said building or may have it repaired in accordance with the notice and remain in possession. Provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
- (d) Set forth in the notice provided for in subsection (c) hereof a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building," and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time, not exceeding thirty days, as is reasonable.
- (e) Report to the City Council any noncompliance with the "notice" provided for in subsections (c) and (d) hereof.
- (f) Appear at all hearings conducted by the City Council and testify as to the condition of "dangerous buildings."
- (g) Place a notice on all "dangerous buildings" reading as follows: "This building has been found to be a 'dangerous building' by the building administrator. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of

deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with."

5-0205. **DUTIES OF CITY COUNCIL.** The City Council shall:

- (a) Upon receipt of a report of the building administrator as provided for in Section 5-0204, subsection (e), give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building administrator's notice provided for herein in Section 5-0204, subsection (d).
- (b) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the register of deeds of the county of Cass shall offer relative to the "dangerous building".
- (c) Make written findings of fact from the testimony offered pursuant to subsection (b) as to whether or not the building in question is a "dangerous building" within the terms of Section 5-0201.
- (d) Issue an order based upon findings of fact made pursuant to subsection (c) hereof commanding the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the records of the register of deeds of the County of Cass to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this chapter and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building".
- (e) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (d) hereof, within thirty days, the City Council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards, hereinbefore provided for in Section 5-0202 of this chapter. The cost to the City of Mapleton of demolishing, repairing or removing any building or structure under this chapter shall be determined by the City Council after written notice to the property owner of a hearing thereon; and shall then be certified to the County Auditor as a special assessment levied upon the described

property and to be spread upon the taxes against said property.

- (f) Report to the city attorney the names of all persons not complying with the order provided for in subsection (d) of this section.

5-0206. **OWNER ABSENT FROM THE CITY.** All notices or orders provided for herein shall be sent by registered mail to such owner, occupant, lessee or mortgagee, and all other persons having an interest in said building, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

5-0207. **APPEAL.** The owner and the occupant shall have thirty (30) days from the date of the order provided for in Section 5-0205 hereof in which to appeal to the Courts from the action of the City Council. The City Council shall not demolish, repair, or remove the building or structure or cause the same to be done during the period of time herein provided for appeal.

5-0208. **PENALTY.** Any person violating any section of this chapter shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

CHAPTER 5-03

MOVING BUILDINGS

SECTIONS:

- 5-0301. Permit Required.
- 5-0302. Permit Application.
- 5-0303. Information Contained for Permit Application.
- 5-0304. Building Permit Required.
- 5-0305. House-Mover's License - Requirements.
- 5-0306. Removal of Overhead Wires and Cables - Notice.
- 5-0307. Removal of Attached Wires, Cables and Pipes.
- 5-0308. Building in Street - Warning Light Required.
- 5-0309. Equipment in Street - Lights Required.

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5-0301. **PERMIT REQUIRED.** No person shall move, remove, raise or support free of its foundation, any building or structure within the limits of the City of Mapleton, or cause or hire said work to be done, or assist in said work, unless a permit for said work has been obtained from the City of Mapleton in accordance with the provisions of this chapter.

5-0302. **PERMIT APPLICATION.** No permit to move, remove, raise or support free of its foundation, any building or structure within the limits of the City of Mapleton shall be issued until written application for permit has been filed with the City Engineer on forms provided by the City of Mapleton, and the application for permit has been approved by the City Auditor. The City Auditor in granting a moving permit may condition the permit upon the applicant meeting certain conditions such as having a licensed mover move the building, time limits in which the building must be moved, routes that must be followed, posting a bond, and any other similar conditions as deemed advisable by the City Auditor. Any person denied a moving permit or contesting any conditions placed on the permit, may appeal to the City Council, who shall review the permit and its conditions at its next regularly scheduled meeting.

5-0303. **INFORMATION CONTAINED FOR PERMIT APPLICATION.** Written application for permit to move, remove, raise or support free of its foundation any building or structure within the limits of the City of Mapleton shall contain the following information concerning the building or structure to be moved, removed, raised or supported:

1. Date of application.
2. Name and address of applicant for permit.
3. Name and address of owner of building.
4. Name and address of person, firm or corporation the applicant for permit will employ to do the moving.
5. Size of building or structure.

6. Age and general description of building or structure.
7. Location of building or structure at time of making application.
8. Proposed new location for building or structure.
9. Route or road along which it is proposed to move the building or structure from present location to proposed new location.
10. Condition of building or structure at time application is made for permit.
11. How long the moving of building or structure is expected to take and when moving is expected to be completed if permit is granted.
12. What changes in condition of building or structure will be made after building or structure is moved to proposed new location, and when these changes will be completed.

5-0304. **BUILDING PERMIT REQUIRED.** No moving permit shall be granted to a structure being moved into the city limits of the City of Mapleton unless and until the applicant also receives a building permit from the Building Administrator.

5-0305. **HOUSE-MOVER'S LICENSE - REQUIREMENTS.** The City Auditor may require as a condition to the approval of application for permit and issuance of permit under this chapter that the moving be done only by one holding a license for the moving of buildings and structures within the City of Mapleton. No such license shall be granted until the person applying therefor shall have paid to the City Auditor a license fee of Five Dollars (\$5.00), and shall have given a surety bond payable to the City in the sum of Five Thousand Dollars (\$5,000), on a form satisfactory to the City Auditor, and conditioned, among other things, that said party will pay any and all damages which may be caused to any property, either public or private, within the City, whether said damages or injury be inflicted by said party, his employees, agents or workmen; and conditioned also that said party will save and indemnify and keep harmless the said City against all liabilities, judgments, costs and expenses which may in any way accrue against the City in consequence of the granting of such license, and will in all things strictly comply with the provisions of this chapter and with the conditions of any and all permits which may be issued hereunder to said house-mover or one employing him.

Upon the execution of such bond, and its acceptance by the City Auditor, the "house-mover's" license for the moving of buildings and structures within the City of Mapleton shall be issued. All such licenses shall expire one (1) year from date of issue.

5-0306. **REMOVAL OF OVERHEAD WIRES AND CABLES - NOTICE.**

1. In every case in which a permit shall be issued as herein provided for the removal of any house or structure, when such removal requires the displacement of any overhead electrical or other wire or cable, it shall be the duty

of the person, association or corporation owning, operating or controlling such wire or cable to remove or displace the same as far as may be necessary to permit the removal of such house, building or structure.

2. The person to whom a removal permit shall have been issued shall notify the person, association or corporation owning, operating or controlling such wire or cable, to remove or displace the same to facilitate the removal of said house, building or structure and shall exhibit to said person, association or corporation the properly issued permit authorizing the removal of said house, building or structure, and it shall thereupon be the duty of said person, association or corporation, within a reasonable time, not exceeding twenty-four (24) hours thereafter to remove or displace such wires or cables sufficiently to allow the passage of said house, building or structure.

5-0307. **REMOVAL OF ATTACHED WIRES, CABLES AND PIPES.** The person to whom a removal permit has been issued shall, before raising, moving or removing any building or structure to which electric wires are attached, notify the persons, associations or corporations owning or controlling such electric wiring, cables or piping of the proposed moving of said building or structure. The person, association or corporation so notified shall within a reasonable time, not exceeding twenty-four (24) hours, thereafter, disconnect and make safe all such electric wiring, cables or piping.

5-0308. **BUILDING IN STREET - WARNING LIGHT REQUIRED.** When any building or structure is being moved across or through any street or alley, a warning light must be in operation at each corner of such building or structure, from sunset to sunrise.

5-0309. **EQUIPMENT IN STREET - LIGHTS REQUIRED.** All ropes, blocks, winches, windlasses, or other equipment used in the moving of said building or structure must, when obstructing the free use of a street or alley, be protected by suitable warning lights from sunset to sunrise.

CHAPTER 5-04

FLOOD DAMAGE PREVENTION

Source: Ord. 188-06, Sec. 1 (2006)

SECTIONS:

- 5-0401. Statutory Authorization.
- 5-0402. Findings of Fact.
- 5-0403. Statement of Purpose.
- 5-0404. Methods of Reducing Flood Losses.
- 5-0405. Adoption of Flood Proofing Code.
- 5-0406. Definitions.
- 5-0407. Land to Which This Ordinance Applies.
- 5-0408. Basis for Establishing the Areas of Special Flood Hazard.
- 5-0409. Compliance.
- 5-0410. Abrogation and Greater Restrictions.
- 5-0411. Interpretation.
- 5-0412. Warning and Disclaimer of Liability.
- 5-0413. Establishment of Development Permit.
- 5-0414. Designation of the Building Administrator.
- 5-0415. Duties and Responsibilities of the Building Administrator.
- 5-0416. Variance Procedure.
- 5-0417. Provisions for Flood Hazard Reduction -- General Standards.
- 5-0418. Provisions for Flood Hazard Reduction -- Specific Standards.
- 5-0419. Floodways.
- 5-0420. Validity.
- 5-0421. Penalty.

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5-0401. **STATUTORY AUTHORIZATION.** The Legislature of the State of North Dakota has in Chapter 40-47 of the North Dakota Century Code delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Mapleton, North Dakota does ordain as follows:

5-0402. **FINDINGS OF FACT.**

1. The flood hazard areas of Mapleton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

5-0403. **STATEMENT OF PURPOSE.** It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To insure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

5-0404. **METHODS OF REDUCING FLOOD LOSSES.** In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling filling, grading, dredging, and other development which may increase flood damage;
4. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

5-0405. **ADOPTION OF FLOOD PROOFING CODE.** There is hereby adopted by the City Council of the City of Mapleton for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the "Floodway and the Special Flood Hazard Area" and certain equipment specifically regulated herein, including permits and penalties, that certain code known as the Flood Proofing Code prepared by Moore Engineering, Inc., of West Fargo, North Dakota, in June 1981, of which not less than three (3) copies have been and now are filed in the office of the City Auditor of the City of Mapleton, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this title shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the jurisdiction of the City of Mapleton.

5-0406. **DEFINITIONS.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. "Appeal" means a request for a review of the Building Administrator's interpretation of any provisions of this ordinance or a request for a variance.
2. "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.
3. "Base flood" or "100-year flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
4. "Base Flood Elevation" (BFE) means the height of the base flood or 100-year flood usually in feet above mean sea level.

5. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
6. "Best Available Data" (BAD) means water elevation information from any source used to estimate or determine a base flood elevation (i.e. high water mark).
7. "Conveyance or hydraulic conveyance" means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.
8. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
9. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland waters and/or
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
10. "Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
11. "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the water surface elevation of the base flood, and identifies the floodway.
12. "Floodproofing" (Dry) means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight two feet above the base flood elevation with walls that are substantially impermeable to the passage of water.
13. "Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.
14. "Floodproofing Code" means the Flood Proofing Code of the City of West Fargo, North Dakota,

hereinbefore referred to and adopted in Section 5-0405.

15. "Floodway" or "regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a maximum of one foot.
16. "Lowest floor" means the lowest level of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.
17. "Manufactured home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It includes recreational vehicles or travel trailers placed on a site for more than 180 consecutive days.
18. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
19. "New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.
20. "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
21. "Recreational vehicle" means a vehicle which is:
  - a. built on a single chassis;
  - b. 400 square feet or less when measured at the largest horizontal projection;
  - c. designed to be self-propelled or permanently towable by a light duty truck;

- d. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel, or seasonal use; including, but not limited to:
  - e. travel trailers, trailers on wheels, park-model trailers, and other similar vehicles.
22. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
23. "Structure" means a walled and roofed building, manufactured home or liquid storage tank that is principally above ground.
24. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
25. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- a. Before the improvement or repair is started, or
  - b. If the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that

alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

26. "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

5-0407. **LANDS TO WHICH THIS ORDINANCE APPLIES.** This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Mapleton.

5-0408. **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, City of Mapleton, North Dakota, dated February 2, 2002," with an accompanying "Flood Insurance Rate Map" is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Hall in Mapleton.

5-0409. **COMPLIANCE.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

5-0410. **GREATER RESTRICTIONS.** This ordinance is not intended to repeal, remedy, or impair any existing easements, covenants, or deeded restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

5-0411. **INTERPRETATION.** In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

5-0412. **WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Mapleton, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

5-0413. **ESTABLISHMENT OF DEVELOPMENT PERMIT.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 5-0408. Application for a development permit shall be made on forms furnished by the City Council of Mapleton and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor of all structures.
2. Elevation in relation to mean sea level to which any structure has been floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure must meet the floodproofing criteria in Section 5-0418.B.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

5-0414. **DESIGNATION OF THE BUILDING ADMINISTRATOR.** The Building Administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

5-0415. **DUTIES AND RESPONSIBILITIES OF THE BUILDING ADMINISTRATOR.** Duties of the Building Administrator shall include, but not be limited to:

A. Permit Review

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5-0419(1) are met.

B. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 5-0408, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Building Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements or other development in the floodplain are administered in accordance with in order to administer Section 5-0418 SPECIFIC STANDARDS.

C. Information to be Obtained and Maintained

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
  - a. Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed, and
  - b. Maintain the floodproofing certifications required in Section 5-0413.3.
3. Maintain for public inspection all records pertaining to the provision of this ordinance.

D. Alteration of Watercourses

1. Notify adjacent communities and the North Dakota State Engineer prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- E. Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

Make interpretation where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5-0416.

5-0416. **VARIANCE PROCEDURE.**

A. Appeal Board

1. The City Council as established by the City of Mapleton shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Council shall hear and decide appeals when it is alleged there is an error in any requirements, decision, or determination made by the Building Administrator or City Engineer in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the City Council, or any taxpayer, may appeal such decision to the District Court, as provided in.
4. In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;

- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items a-k of Section 5-0416(A)(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Upon consideration of the factors of Section 5-0416(A)(4) and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it

deems necessary to further the purposes of this ordinance.

7. The Building Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

B. Conditions for Variances

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public as identified in Section 5-0416(A) (4), or conflict with existing local laws or ordinances.
5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5-0417. **PROVISIONS FOR FLOOD HAZARD REDUCTION -- GENERAL STANDARDS.** In all areas of special flood hazards the following standards are required:

A. Anchoring

1. All new construction and substantial improvements (including additions) shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes must be elevated or anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5-0418. **PROVISIONS FOR FLOOD HAZARD REDUCTION--SPECIFIC STANDARDS.** In all areas of special flood hazards where base flood elevation data has been provided as set in Section 5-0408 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 5-0415(B), Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction

1. New construction and substantial improvement of any residential structure shall:
  - a. Conform to structural and technical provisions set forth in the Mapleton Floodproofing Code approved by the Federal Emergency Management Agency and adopted by the City of Mapleton.
  - b. Be designed so that the first floor is at least one foot above the base flood level. Any basement area, together with attendant utilities and sanitary facilities, below that level shall be designed so that the structure is watertight without human intervention (i.e., the base or sill of all external openings such as windows and doors must be one foot above the 100 year base flood elevation). Basement walls shall be built with the capability to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from the 100-year frequency flood and shall be designed so that

minimal structural damage will occur if this design is exceeded.

- c. Basements constructed in accordance with these regulations shall not be used for sleeping purposes.
- d. Be certified by a registered professional engineer that the floodproofing measures used in the structure satisfy the floodproofing standards.
- e. The Building Administrator shall certify that the structure has been built in accordance with the floodproofing code approved by the Federal Emergency Management Agency.

#### B. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 5-0415.C.2

#### C. Manufactured Homes

1. Manufactured homes shall be anchored in accordance with Section 5-0417(A).
2. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is ONE FOOT above the base flood elevation and is securely anchored to an adequately anchored foundation system.

5-0419. **FLOODWAYS.** Located within areas of special flood hazard established in Section 5-0408 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section 5-0419(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 5-0417, 5-0418 and 5-0419.

5-0420. **VALIDITY.** If any section, clause, paragraph, provision, or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision, or portion of these regulations.

5-0421. **PENALTY.** Any person violating any section of this chapter shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

CHAPTER 5-05

MINIMUM HOUSING STANDARDS

SECTIONS:

- 5-0501. Adoption of Housing Code.
- 5-0502. Exceptions to Housing Code.
- 5-0503. Penalty.

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5-0501. **ADOPTION OF HOUSING 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 Uniform Housing Code, recommended and compiled by the International Conference of Building Officials, being particularly the 1988 edition thereof, as the same are now established in said code, a copy of which is on file in the office of the Auditor 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 Uniform Housing 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 1988 edition of the Code may be adopted by the City by resolution.

5-0502. **EXCEPTIONS TO HOUSING CODE.** When any provisions of the Uniform Housing Code are in conflict with the Building Code, Mechanical Code, zoning provisions or other ordinances of the City of Mapleton, those other ordinances shall prevail and supersede the provisions of the Uniform Housing Code.

5-0503. **PENALTY.** Any person violating any section of this chapter shall upon conviction be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

Source: Ord. 216-13, Sec. 2 (2015)

CHAPTER 5-06

INTERNATIONAL PROPERTY MAINTENANCE CODE

(Source: Ord. 209-11, Sec. 1)

SECTIONS:

- 5-0601. Adoption of International Property Maintenance Code.
- 5-0602. Amendment to International Property Maintenance Code. (Source: Ord. 241-18)
- 5-0603. Penalty.
- 5-0604. Appeals.

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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 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 2015 edition of the Code may be adopted by the City by resolution.

(Source: Ord. 241-18)

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 ~~civilly 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.~~

5-0603. PENALTY. A violation of the regulations contained in this chapter shall be deemed an offense and shall be punishable by a fine of not to exceed Five Hundred Dollars (\$500). Each day that

a violation is permitted to exist shall constitute a separate offense. The provisions of Section 1-0211 shall also apply.

5-0604. Appeals. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. The Mapleton City Commission shall be the Board of Appeals. An appeal in writing to the Code Official must be made within 20 days of the decision of the Code Official. The Mapleton City Commission shall hear the appeal within 30 days of the Code Official receiving written notice of the appeal. The Commission may only reverse or modify a decision of the Code Official by a vote of at least three members of the Commission. If not all members of the Commission are present at the hearing, the person appealing the decision may request a postponement, which may extend the 30-day period to hold such a hearing. An application for an appeal shall be based on a claim that the true intent of the Code has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equally good or better form of construction is proposed. The commission shall have no authority to waive requirements of the Code.

CHAPTER 5-07

INTERNATIONAL RESIDENTIAL CODE

(Source: Ord. 210-11, Sec. 1)

SECTIONS:

- 5-0701. Adoption of International Residential Code.
- 5-0702. Amendment to International Residential Code.  
(Source: Ord. 234-18)
- 5-0703. Penalty.
- 5-0704. Fee for Copy of Relevant Code Provisions.
- 5-0705. Appeals.

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5-0701. ADOPTION OF INTERNATIONAL RESIDENTIAL 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 Residential Code, recommended and compiled by the International Code Council, being particularly the 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 Residential 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 2015 edition of the Code may be adopted by the City by resolution.

Source: Ord. 234-18

5-0702. AMENDMENT TO INTERNATIONAL RESIDENTIAL CODE. The International Residential Code, as adopted in Section 5-0701 is hereby changed and amended as follows:

**SECTION R101.1 is hereby amended to read as follows:**

**R101.1 Title.** These regulations shall be known as the *Residential Code for One- and Two-family Dwellings of* ~~{NAME OF JURISDICTION}~~ the City of Mapleton, and shall be cited as such and will be referred to herein as "this code."

**SECTION R104.8 is hereby amended to read as follows:**

**R104.8 General.** 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 ~~civilly 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 R104.8.1 is hereby deleted in its entirety.**

**SECTION R104.10.1 is hereby deleted in its entirety.**

**SECTION R105.2 is hereby amended to read as follows:**

**R105.2 Work exempt from permit. Exemptions . . .**

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area is not greater than 120 square feet (11 m<sub>2</sub>).
2. Fences not over ~~7~~ 8.5 feet ~~(2134~~ 2591 mm) high.

3. Retaining walls that are not . . .
7. ~~Prefabricated swimming pools that are less than 24 inches (610 mm) deep. . . .~~
10. Decks not exceeding ~~200~~ 120 square feet (~~18.58 m<sup>2</sup>~~) in area, that are not more than ~~30~~ 7 inches (~~762 mm~~) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

**SECTION R105.3.1** is hereby deleted in its entirety.

**SECTION R106.1.4** is hereby deleted in its entirety.

**SECTION R108.3** is hereby amended to read as follows:

**R108.3 Building permit valuations.** Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

**SECTION R201.3** is hereby amended to read as follows:

**Section R201.3 Terms defined in other codes.** Where terms are not defined in this code such terms shall have meanings ascribed to them as in other code publications of the International Code Council. Wherever the term "International Plumbing Code" and/or "International Private Sewage Disposal Code" is used in the International Residential Code, it shall mean the North Dakota State Plumbing Code. Wherever the term 'ICC Electrical Code' is used in the International Residential Code, it shall mean the National Electrical Code together with the North Dakota State Wiring Standards. Wherever reference is made to flood plain requirements, it shall mean the Mapleton Flood Damage Prevention Ordinance together with the Mapleton Flood Proofing Code.

**TABLE R301.2.1 is hereby amended to read as follows:**

GROUND SNOW LOAD	WIND SPEED				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM		
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>	Special wing region <sup>l</sup>	Wind-borne debris zone <sup>m</sup>		Weathering <sup>g</sup>	Frost line depth <sup>b</sup>	Termite <sup>e</sup>
50 psf	115	no	no	no	Zone A	Severe	4.5 feet	none

WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED	Flood HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>l</sup>	MEAN ANNUAL TEMP <sup>h</sup>
-18	YES	1978	4000	41.5

**SECTION R301.2.4 is hereby deleted in its entirety.**

**TABLE R302.1(1) is hereby amended to read as follows:**

**TABLE 302.1(1)  
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls <sup>c</sup>	Fire-resistance rated	1 hour - tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	<del>5 <u>3</u> feet
	Not fire-resistance rated	0 hours	<u>≥</u> <del>5</del> <u>3</u> feet
Projections	Not allowed	N/A	< 2 feet
	Fire-resistance rated	1 hour on the underside <sup>a b</sup>	<u>≥</u> 2 feet to < <del>5</del> <u>3</u> feet
	Not fire-resistance rated	0 hours	<del>5</del> <u>3</u> feet
Openings	Not allowed	N/A	< 3 feet
	25% Maximum of Wall Area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section 304.2	< 3 feet
		None Required	3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable.

a. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fireblocking is provided from the all top plate to the underside of the roof sheathing.

b. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided that gable vent openings are not installed.

c. A common 2-hour fire-resistance-rated wall assembly is permitted for two or more family dwellings where the common wall is on a property line provided such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with national Electrical Code together with the North Dakota State Wiring Standards. Penetrations of electrical outlet boxes shall be in accordance with Section 302.4

**SECTION R302.2 is hereby amended to read as follows:**

**R302.2 Townhouses.** Common walls separating *townhouses* .

. .

1. . . .

2. Where a fire sprinkler system in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly or two 1-hour-fire-resistance wall assemblies tested in accordance with ASTM E 119 or UL 263

**SECTION R302.5.1 is hereby amended to read as follows:**

**R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb- core steel doors not less than 13/8 inches (35 mm) thick, ~~or 20-minute fire-rated doors, equipped with a self-closing device.~~

**SECTION R303.4 is hereby deleted in its entirety.**

**SECTION R307.1 is hereby amended to read as follows:**

**Section R307.1 Space required.** Fixtures shall be spaced in accordance with ~~Figure R307.1, and in accordance with the requirements of Section P2705.1~~ the North Dakota State Plumbing code and per Figure R30701, with the exception of the clearance in front of water closets and bidets which shall be 24 inches.

**SECTION R309.3 is hereby deleted in its entirety.**

**SECTION R310.2.2 is hereby amended to read as follows:**

**R310.2.2 Window sill height.** Where a window is provided as the emergency escape and rescue opening, it shall have a sill height of not more than 44 inches (1118 mm) above the floor; where the sill height is below grade, it shall be provided with a window well in accordance with Section R310.2.3. Sill height shall be measured from the finished floor to the bottom of the clear opening.

**Exception:** Below grade emergency escape and rescue windows may have a maximum sill height of 48 inches.

**SECTION R310.2.3.1 is hereby amended to read as follows:**

**R310.2.3.1 Ladder and steps.** Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position, or shall be equipped with a permanently-attached platform at least 30 inches by 16 inches. The maximum distance between the top of the window well and a platform shall be 42 inches and shall not impede the operation of the window. Ladders or steps required by this section shall not be required to comply with Sections R311.7 and R311.8. Ladders or rungs shall have an inside width of not less than 12 inches (305 mm), shall project not less than 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

**Exception:** Terraced window wells with a maximum of 24 inches per vertical rise and minimum 12 inches per horizontal projection on each level shall also be allowed.

**SECTION R311.3 is hereby amended to read as follows:**

**R311.3 Floors and landings at exterior doors.** There shall be a landing or floor on each side of each exterior door. The width of each landing shall be not less than the door served. Every landing shall have a dimension of not less than 36 inches (914 mm) measured in the direction of travel. The slope at exterior landings shall not exceed 1/4 unit vertical in 12 units horizontal (2 percent).

**Exceptions:**

1. Exterior balconies less than 60 square feet (5.6 m<sup>2</sup>) and only accessible from a door are

permitted to have a landing less than 36 inches (914 mm) measured in the direction of travel.

2. A landing is not required on the outside of exterior doors other than the required egress door, where a stairway with a total rise of less than 30 inches (762 mm) is located on the exterior side of the door, provided the door does not swing over the stairway.

**SECTION R311.3.1 is hereby amended to read as follows:**

**R311.3.1 Floor elevations at the required egress doors.** Landings or finished floors at the required egress door shall not be more than 1 1/2 inches (38 mm) lower than the top of the threshold.

**Exception:** The landing or floor on the exterior side shall not be more than ~~7 3/4~~ 8 inches (~~196 mm~~) below the top of the threshold provided the door does not swing over the landing or floor.

Where exterior landings or floors serving the required egress door are not at *grade*, they shall be provided with access to *grade* by means of a ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

**SECTION R311.3.2 is hereby amended to read as follows:**

**R311.3.2 Floor elevations for other exterior doors.** Doors other than the required egress door shall be provided with landings or floors not more than ~~7 3/4~~ 8 inches (~~196 mm~~) below the top of the threshold.

**Exception:** ~~A top landing is not required where a stairway of not more than two risers~~ with a total rise of not less than 30 inches (762 mm) is located on the exterior side of the door, provided that the door does not swing over the stairway.

**SECTION R311.7.5.1 is hereby amended to read as follows:**

**Section R311.7.5.1 Risers.** The riser height shall be not more than ~~7 3/4~~ 8 inches (~~196 mm~~). The riser shall . . .

**SECTION R311.7.5.2 is hereby amended to read as follows:**

**Section R311.7.5.2 Treads.** The tread depth shall be not less than ~~10~~ 8 inches (~~254 mm~~). The tread depth shall be measured horizontally between the vertical planes of the

foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**Exception:** Where a landing is not provided or required by Section R311.3, R311.3.2 or R311.7.6, the top tread of a stair serving exterior doors other than the required exit door, and in-swinging doors opening into an attached garage, shall be permitted to exceed the smallest tread by more than 3/8 inch (9.5 mm). Such a tread shall be at least 18 inches (457 mm) measured in the direction of travel.

**SECTION R311.7.5.2.1 is hereby amended to read as follows:**

**R311.7.5.2.1 Winder treads.** Winder treads shall have a minimum tread depth of ~~10~~ 9 inches (~~254 mm~~) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a read depth of . . .

**SECTION R311.7.6 is hereby amended to read as follows:**

**Section R311.7.6 Landings for stairways.** There shall be a floor or landing at the top and bottom of each stairway. The width perpendicular to the direction of travel shall be not less than the width of the flight served. Landings of shapes other than square or rectangular shall be permitted provided that the depth at the walk line and the total area is not less than that of a quarter circle with a radius equal to the required landing width. Where the stairway has a straight run, the depth in the direction of travel shall be not less than 36 inches (914 mm).

**Exception:**

1. A floor or landing is not required at the top of an interior flight of stairs, including stairs in an enclosed garage, provided a door does not swing over the stairs.
2. A landing is not required at the top of an exterior flight of stairs with a total rise of less than 30 inches, provided the door does not swing over the stairway.

**SECTION R312.1.1 is hereby amended to read as follows:**

**R312.1.1 Where Required.** *Guards* shall be located along open-sided walking surfaces, ~~including~~ stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically to the floor or *grade* below. ~~at any point within 36 inches (914 mm) horizontally to the edge of the open side.~~ Insect screening shall not be considered as a *guard*.

**SECTION R313.1 is hereby amended to read as follows:**

**R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in *townhouses where the townhouses are located on a private street or private fire department access read that is required to greater than 150 feet in length as required by Section 503 of the International Fire Code.*

**SECTION R313.1.1 is hereby amended to read as follows:**

**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with ~~Section P2904 or~~ NFPA 13D, NFPA 13R or NFPA 13.

**SECTION R313.2 is hereby deleted in its entirety.**

**SECTION R313.2.1 is hereby deleted in its entirety.**

**SECTION R314.3 is hereby amended to read as follows:**

**R314.3 Location.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
5. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke alarms shall be installed in the hallway and the adjacent room.

**SECTION R322 is hereby deleted in its entirety.**

**SECTION R326 is hereby deleted in its entirety.**

**SECTION R401.1 is hereby amended to read as follows:**

**R401.1 Application.** The provisions of this chapter shall control the design and construction of the foundation and

foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in flood hazard areas ~~as established by Table R301.2(1)~~ shall meet the provisions of ~~Section R322~~ the Mapleton Flood Proofing Code (Section 5-04) and any other applicable requirements of the City of Mapleton. Wood foundations shall be designed and installed in accordance with AWC PWF.

**Exception:** The provisions of this chapter shall be permitted . . .

**SECTION R401.3 is hereby amended to read as follows:**

**R401.3 Drainage.** Surface drainage shall be diverted to a storm sewer conveyance or other *approved* point of collection that does not create a hazard. *Lots* shall be graded to drain surface water away from foundation walls. ~~The grade shall fall a minimum of 6 inches (152mm) within the first 10 feet (3048mm).~~

~~Exception: Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152mm) of fall within 10 feet (3048mm), drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.~~

**SECTION R403.1.4.1 is hereby amended to read as follows:**

**Section R403.1.4.1 Frost protection.** Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line . . .

**Exceptions:**

1. Protection of freestanding *accessory structures with an area of 600 square feet (56 m<sup>2</sup>) or less* of light framed construction ~~and an eave height of 10 feet (3048 mm) or less~~ shall not be required.
2. Protection of freestanding *accessory structures with an area of 400 square feet (37 m<sup>2</sup>) or less, of other than light-framed construction,* ~~with an eave~~

~~height of 10 feet (3048 mm) or less shall not be required.~~

3. ~~Decks not supported by a dwelling~~ need not be provided with footings that extend below the frost line.

Footings shall not bear on frozen soil unless the frozen condition is permanent.

**SECTION R404.1.3.2 is hereby amended to read as follows:**

**R404.1.3.2 Reinforcement for foundation walls.** Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with Table R404.1.2(1). Vertical reinforcement shall be provided in accordance with Table R404.1.2(2), R404.1.2(3), R404.1.2(4), R404.1.2(5), R404.1.2(6), R404.1.2(7), ~~or~~ R404.1.2(8), or Table R404.1.2(10) and Figure R404.1.2(1) or Table R404.1.2(11) and Figure R404.1.2(2). Vertical reinforcement for flat *basement* walls retaining 4 feet (1219 mm) or more of unbalanced backfill is permitted to be determined in accordance with Table R404.1.2(9). For *basement* walls supporting above grade concrete walls, vertical reinforcement shall be the greater of that required by Tables R404.1.2(2) through R404.1.2(8) or by Section R608.6 for the above-grade wall. In buildings assigned to Seismic Design Category D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>, concrete foundation walls shall also comply with Section R404.1.4.2.

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**Table R404.1.2(10) is hereby adopted as follows:**

Table R404.1.2(10)

Foundation Wall Reinforcing

Active Pressure = 45pcf

<b>Minimum Reinforcement for Concrete</b>		
<b>Foundation Walls</b>		
Wall Height (h) feet	Wall Thickness (t) inches	Vertical Reinforcing
8	8	#4 @ 24" o.c. #5 @ 40" o.c.
	10	#4 @ 30" o.c. #5 @ 50" o.c.
9	8	#4 @ 18" o.c. #5 @ 28" o.c.
	10	#4 @ 24" o.c. #5 @ 36" o.c.
10	10	#4 @ 16" o.c. #5 @ 26" o.c.

Notes:

1. Chart is based on an active soil pressure of 45 pounds per cubic foot (pcf).
2. Reinforcing steel shall be ASTM A615 Fy – 60,000 pounds per square inch (psi).
3. The vertical reinforcing bars are to be located on the inside face.
4. Minimum concrete strength  $F_c^1 = 3,000$  pounds per square inch (psi).
5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

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**TABLE R404.1.2(11) is added as follows:**

Table R404.1.2(11)

Foundation Wall Reinforcing

Active Pressure = 65 pcf

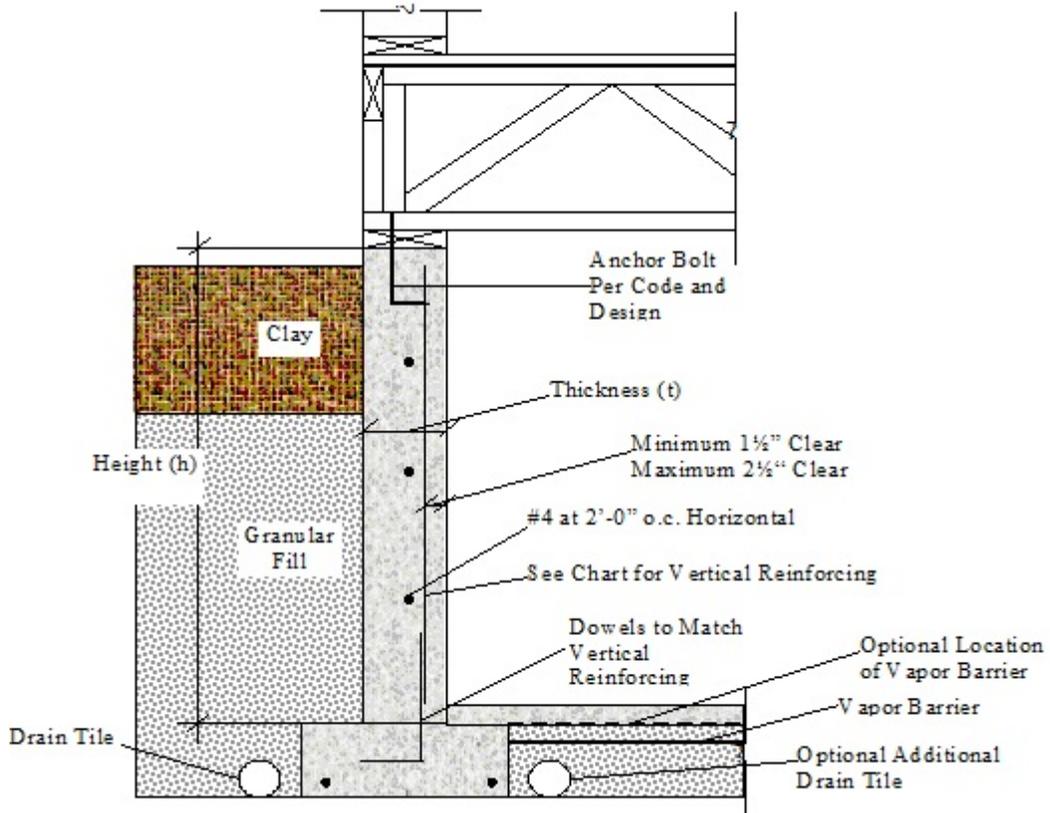
<b>Minimum Reinforcement for Concrete</b>		
<b>Foundation Walls</b>		
Wall Height (h) Feet	Wall Thickness (t) inches	Vertical Reinforcing
8	8	#4 @ 18" o.c. #5 @ 26" o.c. #6 @ 40" o.c.
	10	#4 @ 24" o.c. #5 @ 36" o.c. #6 @ 52" o.c.
9	8	#4 @ 12" o.c. #5 @ 18" o.c. #6 @ 26" o.c.
	10	#4 @ 16" o.c. #5 @ 24" o.c. #6 @ 36" o.c.
10	10	#4 @ 12" o.c. #5 @ 18" o.c. #6 @ 24" o.c.

Notes:

1. Chart is based on an active soil pressure of 65 pounds per cubic foot (pcf).
2. Reinforcing steel shall be ASTM A615 Fy – 60,000 pounds per square inch (psi).
3. The vertical reinforcing bars are to be located on the inside face.
4. Minimum concrete strength  $F_c^1 = 3,000$  pounds per square inch (psi).
5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

Figures R404.1.2(1) is hereby adopted as follows:

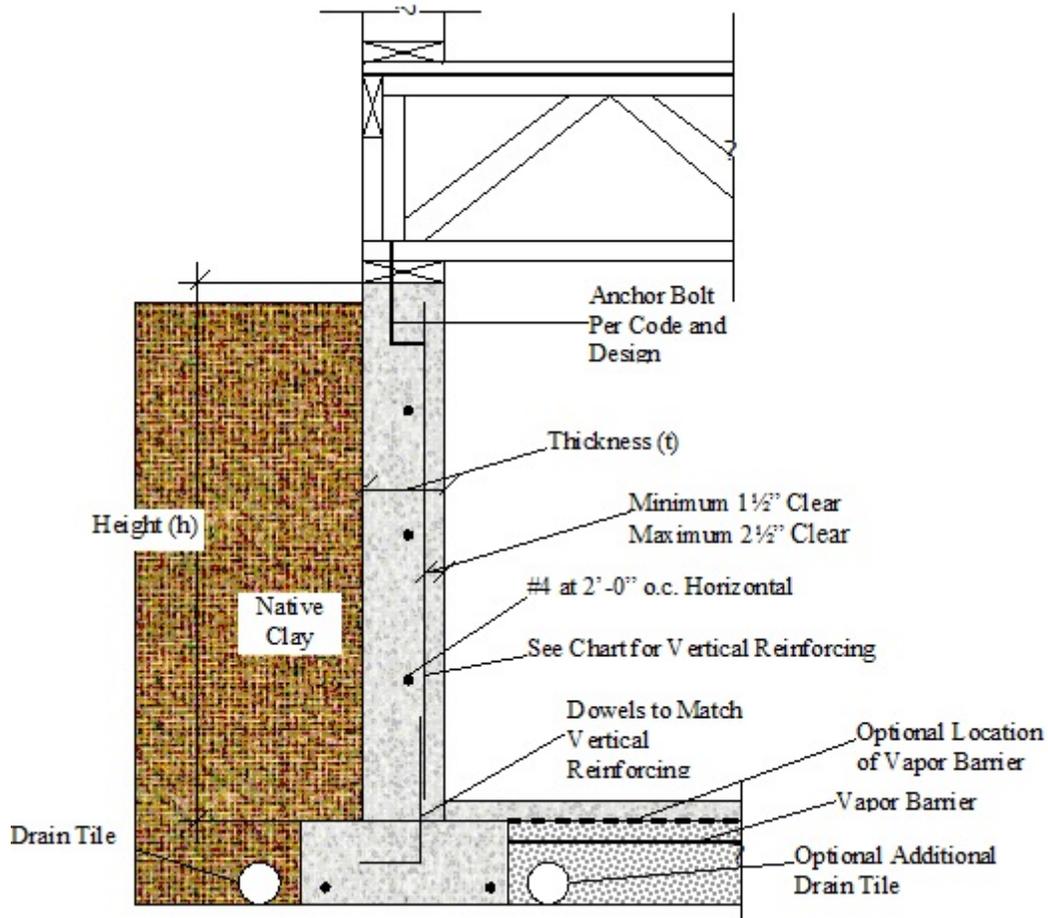
FIGURE R404.1.2(1)



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FIGURE 404.1.2(2) is hereby adopted as follows:

FIGURE R404.1.2(2)



SECTION R405.2.3 is hereby amended to read as follows:

**Section R405.2.3 Drainage system.** In other than Group I soils, a sump shall be provided to drain the porous layer and footings. The sump shall be not less than ~~24~~ 18 inches ~~(610 mm)~~ in diameter or ~~20~~ 16 inches square ~~(0.0129m<sup>2</sup>)~~, shall extend not less than 24 inches (610 mm) below the bottom of the *basement* floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an *approved* sewer system or to daylight.

**SECTION R507.8.1 is hereby deleted in its entirety.**

**SECTION R602.7.2 is hereby amended to read as follows:**

**R602.7.2 Rim board headers.** Rim board header size, material and span shall be in accordance with Table R602.7(1). Rim board headers shall be constructed in accordance with Figure R602.7.2 and shall be supported at each end by full-height studs. ~~The number of full-height studs at each end shall be not less than the number of studs displaced by half of the header span based on the maximum stud spacing in accordance with Table R602.3(5).~~ Rim board headers supporting concentrated loads shall be designed in accordance with accepted engineering practice.

**SECTION R602.7.5 is hereby amended to read as follows:**

**R602.7.5 Supports for headers.** Headers shall be supported on each end with one or more jack studs or with approved framing anchors in accordance with Table R602.7(1) or R602.7(2). The full-height stud adjacent to each end of the header shall be end nailed to each end of the header with four-16d nails (3.5 inches × 0.135 inches). ~~The minimum number of full-height studs at each end of a header shall be in accordance with Table R602.7.5.~~

**TABLE R602.7.5 is hereby deleted in its entirety.**

**SECTION R602.10 is hereby amended to read as follows:**

**R602.10 Braced wall lines.** For the purpose of determining the amount and location of bracing required in each story level of a building, *braced wall lines* shall be designated as straight lines in the building plan placed in accordance with this section.

**Exception:** The wall bracing requirements of Section R602.10 of the 2006 International Residential Code may be used as an alternative to this section.

**SECTION R703.7.2 is hereby amended to read as follows:**

**Section R703.7.2 Plaster.** Plastering with portland cement plaster shall be not less than three coats where applied over metal lath or wire lath and shall be not less than two coats where applied over masonry, concrete, pressure-preservative treated wood or decay-resistant wood as specified in Section R317.1 or gypsum backing. If the plaster surface is completely covered by veneer or

other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table 702.1(1). Approved decorative coatings applied to a concrete or masonry surface shall be installed in accordance with the manufacturer's installation instructions.

**SECTION R806.1 is hereby amended to read as follows:**

**R806.1 Ventilation required.** Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain or snow. Ventilation openings shall have a least dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Ventilation openings having a least dimension larger than 1/4 inch (6.4 mm) shall be provided with corrosion-resistant wire cloth screening, hardware cloth or similar material with openings having a least dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Openings in roof framing members shall conform to the requirements of Section R802.7. Required ventilation openings shall open directly to the outside air.

**Exception:** Attic ventilation shall not be required when determined to not be necessary by the building official due to atmospheric or climatic conditions.

**SECTION R905.2.5 is hereby amended to read as follows:**

**R905.2.5 Fasteners.** Fasteners for asphalt shingles shall be galvanized steel, stainless steel, aluminum or copper roofing nails, minimum 12 gage [0.105 inch (3 mm)] shank with a minimum 3/8 inch diameter (9.5 mm) head, complying with ASTM F 1667, of a length to penetrate through the roofing materials and not less than 3/4 inch (19.1 mm) into the roof sheathing or other fasteners as approved by the building official and shingle manufacturer. Where the roof sheathing is less than 3/4 inch (19.1 mm) thick, the fasteners shall penetrate through the sheathing.

**SECTION R908 is hereby deleted in its entirety and relocated to the Appendices as Appendix R.**

**TABLE N1102.1.2 (R402.1.2) is hereby amended to read as follows:**

TABLE N1102.1.2 (R402.1.2) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT <sup>a</sup>										
CLIMATE ZONE	FENESTRATION U-FACTOR <sup>b</sup>	SKYLIGHT <sup>b</sup> U-FACTOR <sup>b</sup>	GLAZED FENESTRATION SHGC <sup>b,c</sup>	CEILING R-VALUE	WOOD FRAMED WALL R-VALUE	MASS WALL R-VALUE <sup>i</sup>	FLOOR R-VALUE	BASEMENT <sup>c</sup> WALL R-VALUE	SLAB <sup>d</sup> R-VALUE AND DEPTH	CRAWL SPACE <sup>e</sup> WALL R-VALUE
1	NR	0.75	0.25 <sup>j</sup>	30	13	3/4	13	0	0	0
2	0.40	0.65	0.35	38	13	4/6	13	0	0	0
3	0.35	0.55	0.35	38	20 or 13 + 5 <sup>h</sup>	7/13	19	5/13 <sup>f</sup>	0	5/13
4 except Marine	0.35	0.55	0.40	49	20 or 13 + 5 <sup>h</sup>	8/13	19	10/13	10, 2 ft.	10/13
5 and Marine 4	0.32	0.55	NR	39	20 or 13 + 5 <sup>h</sup>	13/17	30 <sup>f</sup>	15/19	10, 2 ft.	15/19
6	0.32	0.55	NR	19	<del>20 + 5 or 13 + 10<sup>g</sup></del> 20 or 13 + 5 <sup>h,i</sup>	15/20	30 <sup>g</sup>	<del>15/19</del> 10/13	10, 4 ft.	15/19
7 and 8	0.32	0.55	NR	49	<del>20 + 5 or 13 + 10<sup>g</sup></del> 20 or 13 + 5 <sup>h,i</sup>	19/21	38 <sup>g</sup>	<del>15/19</del> 10/13	10, 4ft	15/19

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**TABLE N1102.1.4 (R402.1.4) is hereby amended to read as follows:**

TABLE N1102.1.4 (R402.1.4) EQUIVALENT U-FACTORS <sup>a</sup>								
CLIMATE ZONE	FENESTRATION U-FACTOR <sup>b</sup>	SKYLIGHT <sup>b</sup> U-FACTOR <sup>b</sup>	CEILING U-FACTOR	WOOD FRAMED WALL U-FACTOR	MASS WALL U-FACTOR <sup>b</sup>	FLOOR U-FACTOR	BASEMENT <sup>c</sup> WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
1	0.50	0.75	0.035	0.084	0.197	0.064	0.360	0.477
2	0.40	0.65	0.030	0.084	0.165	0.064	0.360	0.477
3	0.35	0.55	0.030	0.060	0.098	0.047	0.91 <sup>c</sup>	0.136
4 except Marine	0.35	0.55	0.026	0.060	0.098	0.047	0.059	0.065
5 and Marine 4	0.32	0.55	0.026	0.060	0.082	0.033	0.050	0.055
6	0.32	0.55	0.026	<del>0.045</del> <u>0.057i</u>	0.060	0.033	<del>0.05</del> <u>0.059</u>	0.055
7 and 8	0.32	0.55	0.026	<del>0.045</del> <u>0.057</u>	0.057	0.028	<del>0.05</del> <u>0.059</u>	0.055

**SECTION N1102.1 (R402.4) is hereby amended to read as follows:**

**N1102.4 (R402.4) Air leakage (Mandatory).** The *building thermal envelope* shall be constructed to limit air leakage in accordance with the requirements of Sections N1102.4.1 through N1102.4.5. Dwelling units of R-2 Occupancies and multiple single family dwellings shall be permitted to comply with IECC C402.5.

**SECTION N1102.4.4.2 (R402.4.1.2) is hereby amended to read as follows:**

**N1102.4.1.2 (R402.4.1.2) Testing.** The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding five air changes per hour in Climate Zones 1 and 2, ~~and three air changes per hour in Climate Zones 3 through 8.~~ Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and ...

**SECTION N1102.4.1.3 (R402.4.1.3) is hereby added to read as follows:**

**N1102.4.1.3 (R402.4.1.3) Visual inspection option.**  
Building envelope tightness and insulation shall be considered acceptable when installed in accordance with Table N1102.4.1.1 (R402.4.1.1) - "Air Barrier and Insulation" and has been field verified.

**SECTION N1103.3.2 (R403.3.2) is hereby amended to read as follows:**

**N1103.3.2 (R403.3.2) Sealing (Mandatory).** Ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with either the *International Mechanical Code* or Section M1601.4.1 of this code, as applicable.

**Exceptions:**

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams, and locking-type joints and seams ~~of other than the snap-lock and button-lock types.~~

**SECTION N1103.3.5 (R403.3.5) is hereby amended to read as follows:**

**N1103.3.5 (R403.3.5) Building cavities (Mandatory).** Building framing cavities shall not be used as supply ducts ~~or plenums~~.

**SECTION N1103.6 (R403.6) is hereby amended to read as follows:**

**N1103.6 (R403.6) ~~Mechanical~~ Ventilation (Mandatory).** The building shall be provided with ventilation that meets the requirements of Section M1507 of this code or the *International Mechanical Code*, as applicable, or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

**TABLE N1105.5.2 (1) [R405.5.2 (1)] is hereby amended to read as follows:**

TABLE N1105.5.2(1) [R405.5.2(1)] SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS		
BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
...	...	...
Air exchange rate	Air leakage rate of 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8 at a pressure of 0.2 inches w.g changes per hour in Climate Zones 3 through 8 at a pressure of 0.2 inches w.g (50 Pa). The mechanical ventilation rate shall be in addition to the air leakage rate and the same as in the proposed design, but no greater than $0.01 \times \text{CFA} + 7.5 \times (\text{Nbr} + 1)$ where: CFA = conditioned floor area Nbr = number of bedrooms Energy recovery shall not be assumed for mechanical ventilation.	For residences that are not tested, the same air leakage rate as the standard reference design. For tested residences, the measured air exchange rate <sup>a</sup> . The mechanical ventilation rate <sup>b</sup> shall be in addition to the air leakage rate and shall be as proposed.
...	...	...

**SECTION M1301.1.1 is hereby deleted in its entirety.**

**SECTION M1401.5 is hereby deleted in its entirety.**

**SECTION M1502.4.2 is hereby amended to read as follows:**

**M1502.4.2 Duct installation.** Exhaust ducts shall be supported at intervals not to exceed 12 feet (3658 mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints ~~shall be sealed in accordance with Section M1601.4.1 and shall may be mechanically fastened.~~ Ducts shall not be joined with screws or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct.

**SECTION M1503.4 is hereby amended to read as follows:**

**M1503.4 Makeup air required.** Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m<sup>3</sup>/s) shall be mechanically or naturally provided with makeup air at a rate approximately equal to the exhaust air rate in excess of 400 cfm. Such makeup air systems shall be equipped with not less than one damper. Each damper shall be a gravity damper or an electrically operated damper that automatically opens when the exhaust

system operates. Dampers shall be accessible for inspection, service, repair and replacement without removing permanent construction or any other ducts not connected to the damper being inspected, serviced, repaired or replaced.

**SECTION M1506.3 is hereby amended read as follows:**

**M1506.2 Exhaust openings.** Air exhaust openings shall terminate not less than 3 feet (914 mm) from property lines; 3 feet (914 mm) from operable ~~and non operable~~ openings into the building and 10 feet (3048 mm) from mechanical air intakes except where the opening is located 3 feet (914 mm) above the air intake. Openings shall comply with Sections R303.5.2 and R303.6.

**SECTION M1601.4.1 is hereby amended to read as follows:**

**M1601.4.1 Joints, seams and connections.** Longitudinal and transverse joints, seams and connections in metallic and nonmetallic ducts shall be constructed ...

**Exceptions:**

1. Spray polyurethane foam shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams and locking-type joints and seams ~~of other than the snap lock and button lock types.~~

**SECTION M1601.4.10 is hereby deleted in its entirety.**

**SECTION M1701.2 is hereby deleted in its entirety.**

**SECTION M1801.1 is hereby amended to read as follows:**

**M1801.1 Venting required.** Fuel-burning *appliances* shall be vented to the outdoors in accordance with their *listing* and *label* and manufacturer's installation instructions ~~except appliances listed and labeled for unvented use.~~ Venting systems shall consist of *approved*

chimneys or vents, or venting assemblies that are integral parts of *labeled appliances*. Gas fired *appliances* shall be vented in accordance with Chapter 24.

**SECTION M2001.4 is hereby deleted in its entirety.**

**SECTION M2005.1 is hereby amended to read as follows:**

**M2005.1 General.** Water heaters shall be installed in accordance with ~~Chapter 28~~ the North Dakota State Plumbing Code, the manufacturer's instructions and the requirements of this code. Water heaters installed in an attic shall comply with the requirements of Section M1305.1.3. Gas-fired water heaters shall comply with the requirements in Chapter 24. Domestic electric water heaters shall comply with UL 174. Oiled-fired water heaters shall comply with UL 732. Thermal solar water heaters shall comply with Chapter 23 and UL 174. Solid fuel-fired water heaters shall comply with UL 2523.

**SECTION M2101.3 is hereby amended to read as follows:**

**M2101.3 Protection of potable water.** The potable water system shall be protected from backflow in accordance with the provisions listed in ~~Section P2902~~ the North Dakota State Plumbing Code.

**SECTION M2101.10 is hereby amended to read as follows:**

**M2101.10 Tests.** New ~~Hydronic~~ piping shall be isolated and tested hydrostatically at a pressure of ~~one and one-half times the maximum system design pressure,~~ but not less than 100 pounds per square inch (689 kPa). The duration of each test shall be not less than 15 minutes and not more than 20 minutes.

**SECTION M2103.3 is hereby amended to read as follows:**

**M2103.3 Piping joints.** Copper and copper alloy systems shall be soldered in accordance with ASTM B 828. Fluxes for soldering shall be in accordance with ASTM B 813. Brazing fluxes shall be in accordance with AWS A5.31. Piping joints that are embedded shall be installed in accordance with the following requirements:

1. Steel pipe joints shall be welded.
2. Copper tubing shall be joined by brazing complying with ~~Section P3003.6.1~~ the North Dakota State Plumbing Code.
3. Polybutylene pipe and tubing joints ...

**SECTION M2201.6 is hereby deleted in its entirety.**

**SECTION G2404.7 (301.11) is hereby deleted in its entirety.**

**SECTION G2406.2 (303.3) is hereby amended to read as follows:**

**G2406.2 (303.3) Prohibited locations.** *Appliances* shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The *appliance* is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.

2. *Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances* for installation in vented solid fuel-burning *fireplaces* are installed in rooms that meet the required volume criteria of Section G2407.5.

~~3. A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section G2445.6 and has an input rating not greater than 6,000 Btu/h (1.76 kW). The bathroom shall meet the required volume criteria of Section G2407.5.~~

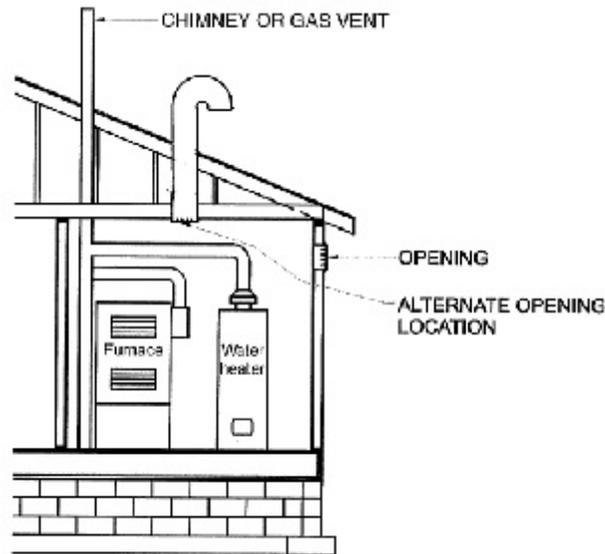
~~4. A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section G2445.6 and has an input rating not greater than 10,000 Btu/h (2.93 kW). The bedroom shall meet the required volume criteria of Section G2407.5.~~

53. The *appliance* is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an *approved* self-closing device. All *combustion air* shall be taken directly from the outdoors in accordance with Section G2407.6.

**Figure G2407.6.1(1) [304.6.1(1)] is hereby deleted in its entirety.**

**Figure G2407.6.1(2) [304.6.1(2)] is hereby deleted in its entirety.**

Figure G2407.6.2 (304.6.2) is hereby amended to read as follows:



SECTION G2407.11 (304.11) is hereby amended to read as follows:

**G2407.11 (304.11) Combustion air ducts.** Combustion air ducts shall comply with all the following:

1. Ducts shall be constructed of galvanized steel complying with Chapter 16 or of a material having equivalent corrosion . . .
5. Ducts shall not be screened where ~~terminating~~ terminate in an attic space.
6. Horizontal upper combustion air ducts shall not slope downward . . .

SECTION G2413.5 (402.5) is hereby amended to read as follows:

**Section G2413.5 (402.5) Allowable pressure drop.** The design pressure loss in any piping system under maximum probable flow conditions, from the point of delivery to the inlet connection of the appliance, shall be such that the supply pressure at the appliance is greater than or equal to the minimum pressure required by the appliance but such pressure loss shall not be greater than 0.5 inch water column for gas pipe systems operating at less than 2 psi.

**SECTION G2417.4.1 (406.4.1) is hereby amended to read as follows:**

**Section G2417.4.1 (406.4.1) Test pressure.** The test pressure to be used shall be not less than  $1\frac{1}{2}$  times the proposed maximum working pressure, but not less than ~~3~~ 25 psig (~~20 kPa gauge~~), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the *pipng* greater than 50 percent of the specified minimum yield strength of the pipe.

**SECTION G2425.8 (501.8) is hereby amended to read as follows:**

**G2425.8 (501.8) Appliances not required to be vented.** The following *appliances* shall not be required to be vented:

1. Ranges.
2. Built-in domestic cooking units *listed* and marked for optional venting.
3. Hot plates and laundry stoves.
4. *Type 1 clothes dryers* (*Type 1 clothes dryers* shall be exhausted in accordance with the requirements of Section G2439).
5. Refrigerators.
6. Counter *appliances*.
7. ~~Room heaters *listed* for unvented use.~~

Where the *appliances* listed in Items 5 ~~through 7~~ and 6 above are installed so that the aggregate input rating exceeds 20 Btu per hour per cubic foot (207 W/m<sup>3</sup>) of volume of the room or space in which such *appliances* are installed, one or more shall be provided with venting *systems* or other *approved* means for conveying the vent *gases* to the outdoor atmosphere so that the aggregate input rating of the remaining *unvented appliances* does not exceed 20 Btu per hour cubic foot (207 W/m<sup>3</sup>). Where the room or space in which the *appliance* is installed is directly connected to another room or space by a doorway, archway or other opening of comparable size that cannot be closed, the volume of such adjacent room or space shall be permitted to be included in the calculations.

**SECTION G2425.12 (501.12) is hereby amended to read as follows:**

**G2425.12 (501.12) Residential and low-heat appliances flue lining systems.** *Flue lining* systems for use with residential-type and low-heat *appliances* shall be limited to the following:

1. Clay *flue lining* complying with the requirements of ASTM C 315 or equivalent when each appliance connected into the masonry chimney has a minimum input rating of greater than 400,000 Btu/h. Clay *flue lining* shall be installed in accordance with Chapter 10.
2. *Listed* chimney lining systems complying with UL 1777.
3. Other *approved* materials that will resist, without cracking, softening or corrosion, *flue gases* and *condensate* at temperatures up to 1,800°F (982°C).
  - a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick up to 8 inches in diameter.
  - b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches in diameter or not less than 24 gauge (0.024 inches thick) 8 inches in diameter and larger.

When a metal liner is used other than a listed chimney liner a condensation drip tee shall be installed and supported in an approved manner.

**SECTION G2427.5.2 (503.5.3) is hereby amended to read as follows:**

**G2427.5.2 (503.5.3) Masonry chimneys.** Masonry *chimneys* shall be built and installed in accordance with NFPA 211 and shall be lined ~~with approved clay flue lining, a listed chimney lining system, or other approved material that will resist corrosion, erosion, softening or cracking from vent gases at temperatures up to 1,800° F (982° C)~~ as per G2425.12.

**Exception:** Masonry *chimney* flues serving listed gas . . .

**SECTION G2439.7.2 (614.8.2) is hereby amended to read as follows:**

**G2439.7.2 (614.8.2) Duct installation.** Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws ~~or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct.~~

**SECTION G2442.5 (618.5) is hereby amended to read as follows:**

**G2442.5 (618.5) Screen.** Required outdoor air inlets shall be covered with a screen having  $\frac{1}{4}$  inch (6.4 mm) openings. Required outdoor air inlets serving a nonresidential portion of a building shall be covered with screen having openings larger than  $\frac{1}{4}$  inch but not larger than  $\frac{1}{2}$  inch.

**SECTION G2445 is hereby deleted in its entirety.**

**CHAPTERS 25 THROUGH 43 are hereby deleted in their entirety.**

5-0703. PENALTY. A violation of the regulations contained in this chapter shall be deemed an offense and shall be punishable by a fine of not to exceed Five Hundred Dollars (\$500). Each day that a violation is permitted to exist shall constitute a separate offense. The provisions of Section 1-0211 shall also apply.

5-0704. FEE FOR COPY OF RELEVANT CODE PROVISIONS. Every licensed contractor, pursuant to Chapter 43-07 of the North Dakota Century Code, upon applying for a building permit, shall be provided a copy of the Building Code Ordinances of the City of Mapleton and the relevant portions of the International Residential Code adopted by the City which apply to residential construction. The contractor will be charged a fee for such copies in an amount set by the City Council. A contractor will only be provided one copy of the International Residential Code sections and pay one fee for residential construction, no matter how many building permits are requested by that particular contractor. Provided, however, that if the City later adopts another Building Code, the contractor will again be required to pay another fee to get the revised Building Code provisions. Notwithstanding the above provisions, if a contractor shows the Building Official his/her copy of the appropriate Building Code, then the contractor shall just be supplied a copy of the Mapleton Building Code Ordinances and shall not be required to be provided nor pay the charge for obtaining a copy of the relevant Building Code.

5-0705. Appeals. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. The Mapleton City Council shall be the Board of Appeals. An appeal in writing to the Code Official must be made within 20 days of the decision of the Code Official. The Mapleton City Council shall hear the appeal within 30 days of the Code Official receiving written notice of the appeal. The Council may only reverse or modify a decision of the Code Official by a vote of at least three members of the Council. If not all members of the Council are present at the hearing, the person appealing the decision may request a postponement, which may extend the 30-day period to hold

such a hearing. An application for an appeal shall be based on a claim that the true intent of the Code has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equally good or better form of construction is proposed. The Council shall have no authority to waive requirements of the Code.

CHAPTER 5-08

INTERNATIONAL EXISTING BUILDING CODE

SECTIONS:

- 5-0801. Adoption of International Existing Building Code.
- 5-0802. Amendment to International Existing Building Code.  
(Source: Ord. 239-18)
- 5-0803. Penalty.
- 5-0804. Appeals.

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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 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 2015 edition of the Code may be adopted by the City by resolution.

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 ~~civilly 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.

5-0803. Penalty. Any person violating any provision of the International Existing Building Code adopted by this title or any section of this title shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

5-0804. Appeals. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. The Mapleton City Council shall be the Board of Appeals. An appeal in writing to the Code Official must be made within 20 days of the decision of the Code Official. The Mapleton City Council shall hear the appeal within 30 days of the Code Official receiving written notice of the appeal. The Council may only reverse or modify a decision of the Code Official by a vote of at least three members of the Council. If not all members of the Council are present at the hearing, the person appealing the decision may request a postponement, which may extend the 30-day period to hold such a hearing. An application for an appeal shall be based on a claim that the true intent of the Code has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equally good or better form of construction is proposed. The Council shall have no authority to waive requirements of the Code.

CHAPTER 5-09

INTERNATIONAL ENERGY CONSERVATION CODE

SECTIONS:

- 5-0901. Adoption of International Energy Conservation Code.
- 5-0902. Amendment to International Energy Conservation Code. (Source: Ord. 238-18)
- 5-0903. Penalty.
- 5-0904. Appeals.

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5-0901. ADOPTION OF INTERNATIONAL ENERGY CONSERVATION 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 Energy Conservation Code, recommended and compiled by the International Code Council, being particularly the 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 Energy Conservation 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 2015 edition of the Code may be adopted by the City by resolution.

Source: Ord. 238-18

5-0902. AMENDMENT TO INTERNATIONAL ENERGY CONSERVATION CODE. The International Energy Conservation Code, as adopted in Section 5-0901 is hereby changed and amended as follows:

**SECTION C101.1 is hereby amended to read as follows:**

C101.1 Title. This code shall be known as the *International Energy Conservation Code of ~~{NAME OF JURISDICTION}~~ City of Mapleton*, and shall be cited as such. It is referred to herein as "this code."

**SECTION C109 is hereby deleted in its entirety.**

TABLE R402.1.2 is hereby amended to read as follows:

TABLE R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT <sup>s</sup>										
CLIMATE ZONE	FENESTRATION U-FACTOR <sup>a</sup>	SKYLIGHT <sup>b</sup> U-FACTOR <sup>b</sup>	GLAZED FENESTRATION SHGC <sup>b, c</sup>	CEILING R-VALUE	WOOD FRAMED WALL R-VALUE	MASS WALL R-VALUE	FLOOR R-VALUE	BASEMENT <sup>c</sup> WALL R-VALUE	SLAB <sup>a</sup> R-VALUE AND DEPTH	CRAWL SPACE <sup>e</sup> WALL R-VALUE
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13 + 5 <sup>b</sup>	7/13	19	5/13 <sup>f</sup>	0	5/13
4 except Marine	0.35	0.55	0.40	49	20 or 13 + 5 <sup>b</sup>	8/13	19	10/13	10, 2 ft.	10/13
5 and Marine 4	0.32	0.55	NR	49	20 or 13 + 5 <sup>b</sup>	13/17	30 <sup>f</sup>	15/19	10, 2 ft.	15/19
6	0.32	0.55	NR	19	<del>20 + 5 or 13 + 10<sup>b</sup></del> 20 or 13 + 5 <sup>b, i</sup>	15/20	30 <sup>g</sup>	<del>15/19</del> <u>10/13</u>	10, 4 ft.	15/19
7 and 8	0.32	0.55	NR	49	<del>20 + 5 or 13 + 10<sup>b</sup></del> 20 or 13 + 5 <sup>b, i</sup>	19/21	38 <sup>g</sup>	<del>15/19</del> <u>10/13</u>	10, 4 ft.	15/19

(Remainder of page intentionally left blank)

TABLE R402.1.4 is hereby amended to read as follows:

TABLE R402.1.4								
EQUIVALENT U-FACTORS <sup>a</sup>								
CLIMATE ZONE	FENESTRATION U-FACTOR <sup>b</sup>	SKYLIGHT <sup>b</sup> U-FACTOR <sup>b</sup>	CEILING U-FACTOR	WOOD FRAMED WALL U-FACTOR	MASS WALL U-FACTOR <sup>b</sup>	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
1	0.50	0.75	0.035	0.084	0.197	0.064	0.360	0.477
2	0.40	0.65	0.030	0.084	0.165	0.064	0.360	0.477
3	0.35	0.55	0.030	0.060	0.098	0.047	.091 <sup>c</sup>	0.136
4 except Marine	0.35	0.55	0.026	0.060	0.098	0.047	0.059	0.065
5 and Marine 4	0.32	0.55	0.026	0.060	0.082	0.033	0.050	0.055
6	0.32	0.55	0.026	<del>0.045</del> <u>0.057</u>	0.060	0.033	<del>0.05</del> <u>0.059</u>	0.055
7 and 8	0.32	0.55	0.026	<del>0.045</del> <u>0.057</u>	0.057	0.028	<del>0.05</del> <u>0.059</u>	0.055

SECTION R402.4 is hereby amended to read as follows:

**R402.4 Air leakage (Mandatory).** The *building thermal envelope* shall be constructed to limit air leakage in accordance with the requirements of Sections R402.4.1 through R402.4.4. Dwelling units of R-2 Occupancies and multiple single family dwellings shall be permitted to comply with IECC C402.5.

SECTION R402.4.1.2 is hereby amended to read as follows:

**R402.4.1.2 Testing.** The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and ...

**SECTION R402.4.1.3 is hereby added to read as follows:**

**R402.4.1.3 Visual inspection option.** Building envelope tightness and insulation shall be considered acceptable when installed in accordance with Table R402.4.1.1 - "Air Barrier and Insulation" and has been field verified.

**SECTION R403.3.2 is hereby amended to read as follows:**

**R403.3.2 Sealing (Mandatory).** Ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with either the *International Mechanical Code* or Section M1601.4.1 of this code, as applicable.

**Exceptions:**

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams, and locking-type joints and seams ~~of other than the snap-lock and button-lock types.~~

**SECTION R403.3.5 is hereby amended to read as follows:**

**R403.3.5 Building cavities (Mandatory).** Building framing cavities shall not be used as supply ducts ~~or plenums.~~

**SECTION R403.6 is hereby amended to read as follows:**

**~~R403.6 Mechanical V~~entilation (Mandatory).** The building shall be provided with ventilation that meets the requirements of Section M1507 of this code or the *International Mechanical Code*, as applicable, or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

TABLE R405.5.2 (1) is hereby amended to read as follows:

TABLE R405.5.2(1) SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS		
BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
...	...	...
Air exchange rate	Air leakage rate of 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8 at a pressure of 0.2 inches w.g changes per hour in Climate Zones 3 through 8 at a pressure of 0.2 inches w.g (50 Pa). The mechanical ventilation rate shall be in addition to the air leakage rate and the same as in the proposed design, but no greater than $0.01 \times CFA + 7.5 \times (Nbr + 1)$ where: CFA = conditioned floor area Nbr = number of bedrooms Energy recovery shall not be assumed for mechanical ventilation.	For residences that are not tested, the same air leakage rate as the standard reference design. For tested residences, the measured air exchange rate <sup>a</sup> . The mechanical ventilation rate <sup>b</sup> shall be in addition to the air leakage rate and shall be as proposed.
...	...	...

5-0903. Penalty. Any person violating any provision of the International Energy Conservation Code adopted by this title or any section of this title shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

5-0904. Appeals. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. The Mapleton City Council shall be the Board of Appeals. An appeal in writing to the Code Official must be made within 20 days of the decision of the Code Official. The Mapleton City Council shall hear the appeal within 30 days of the Code Official receiving written notice of the appeal. The Council may only reverse or modify a decision of the Code Official by a vote of at least three members of the Council. If not all members of the Council are present at the hearing, the person appealing the decision may request a postponement, which may extend the 30-day period to hold such a hearing. An application for an appeal shall be based on a claim that the true intent of the Code has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equally good or better form of construction is proposed. The Council shall have no authority to waive requirements of the Code.