

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4748

AN ORDINANCE AMENDING SECTION 30-0106 OF ARTICLE 30-01
OF CHAPTER 30 OF THE FARGO MUNICIPAL CODE
RELATING TO THE INTERNATIONAL MECHANICAL CODE

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3 WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in
4 accordance with Chapter 40-05.1 of the North Dakota Century Code; and

5 WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that
6 the City shall have the right to implement home rule powers by ordinance; and

7 WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that
8 said home rule charter and any ordinances made pursuant thereto shall supersede state laws
9 in conflict therewith and shall be liberally construed for such purpose; and

10 WHEREAS, the Board of City Commissioners deems it necessary and
11 appropriate to implement such authority by the adoption of this ordinance;

12 NOW, THEREFORE,

13 Be it Ordained by the Board of City Commissioners of the City of Fargo:

14 Section 1. Amendment.

15 Section 30-0106 of Article 30-01 of Chapter 30 of the Fargo Municipal Code is
16 hereby amended to read as follows:

17 30-0106. Standards adopted.--The following standards are hereby adopted for all
18 heating, air conditioning and other gas, oil, or coal consuming appliances:

- 19 A. All heating, air conditioning, or other gas, oil, or coal consuming appliances
20 for either domestic or commercial use installed in the city of Fargo shall bear
21 a seal of approval from the American Gas Association, American Standards
22 Association, Underwriters Laboratories, or other nationally recognized testing
23 laboratory.

The International Mechanical Code, sponsored by the International Code Council
~~Conference of Building Officials~~, 2006/2009 edition, is hereby adopted as the
mechanical code for the city of Fargo, with the following amendments:

Section 101.1 Title. These regulations shall be known as the *Mechanical*
Code of city of Fargo hereinafter referred to as "this code."

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Sections 103.1, 103.2 and 103.3 are hereby deleted in their entirety.

Section 104.8 is hereby enacted to read as follows:

Section 104.8 Liability. The code 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 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 immunities and defenses provided by applicable local, state or federal laws. 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 106.4.8 is hereby deleted in its entirety.

Section 106.5.2 Fee schedule. The fees for mechanical work shall be as indicated in the following schedule as established by resolution of the board of city commissions of the city of Fargo.

Section 106.5.3 Fee refunds. The code official shall be authorized to order the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.

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2. Not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 3. Not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 201.3 is hereby amended as follows:

Section 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Fuel Gas Code*, *ICC National Electrical Code* and *North Dakota State Wiring Standards* or the *International North Dakota State Plumbing Code* as adopted by the city of Fargo, such terms shall have meanings ascribed to them as in those codes.

Section 305.4 is hereby amended as follows:

Section 305.4 Interval of support. Piping shall be supported at distances not exceeding the spacing specified in Table 305.4, or in accordance with MSS SP-69.

In addition to the requirements of Table 305.4, piping and tubing shall be supported within 2 feet (610 mm) of every bend or angle.

Section 307.2.2 is hereby amended to read as follows:

Section 307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC or PVC pipe or tubing. All components shall be selected for the pressure and temperature rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of ~~Chapter 7 of the~~ *International the North Dakota State Plumbing Code* relative to the material type. Condensate waste and drain line size shall be not less than

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3/4-inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2.

Section 508.2 is hereby amended as follows:

Section 508.2 Compensating hoods. Manufacturers of compensating hoods shall provide a label indicating minimum exhaust flow and/or maximum makeup airflow that provides capture and containment of the exhaust effluent. Short circuit compensating hoods are prohibited.

Section 508.2.1 is hereby enacted to read as follows:

Section 508.2.1 Compensating Hood Make-up Air. Compensating hoods shall extract at least 40% of the required exhaust air flow from the kitchen area.

Section 701.2 is hereby enacted as follows:

Section 701.2 Attic space. Attic space shall not be used for combustion air

Section 1104.2 is hereby amended to enact the following new third exception:

3. If an existing refrigerating system is replaced or if an existing refrigeration plant is increased by not more than 50% of its original capacity, but not more than 100 tons per system using a non-flammable class A1 or B1 refrigerant and the refrigeration machinery room was not provided in the original installation prior to 1994, a refrigeration machinery room shall not be required. If the existing refrigeration is not located in general machinery room separated from occupied spaces, a refrigeration machinery room shall be provided. The space containing the refrigeration machinery shall meet the requirement of Section 1104.3.4, protection room refrigerant decomposition, and Section 1105.3 requiring refrigerant detection. If the requirements of 1104.3.4 and 1105.3 cannot be met, a refrigeration machinery room shall be provided.

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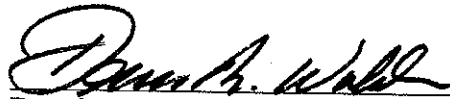
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Section 2. Penalty.

1 A person who willfully violates this ordinance is guilty of an infraction. Every
2 person, firm or corporation violating an ordinance which is punishable as an infraction
3 shall be punished by a fine not to exceed \$500.00; the court to have power to suspend
said sentence and to revoke the suspension thereof.


4 Section 3. Effective Date.

5 This ordinance shall be in full force and effect from and after its passage,
6 approval and publication.

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9 _____
Dennis R. Walaker, Mayor

10 (SEAL)

11 Attest:

12 
13 Steven Sprague, City Auditor

First Reading: 06-01-2010
Second Reading: 06-14-2010
Final Passage: 06-14-2010
Publication: 07-05-2010