

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4750

AN ORDINANCE AMENDING ARTICLE 31-01 OF CHAPTER 31
OF THE FARGO MUNICIPAL CODE RELATING TO
THE INTERNATIONAL PROPERTY MAINTENANCE 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 the
6 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 said
8 home rule charter and any ordinances made pursuant thereto shall supersede state laws in
9 conflict therewith and shall be liberally construed for such purpose; and

10 WHEREAS, the Board of City Commissioners deems it necessary and appropriate to
11 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 Article 31-01 of Chapter 31 of the Fargo Municipal Code is hereby amended to read
16 as follows:

17 ARTICLE 31-01

18 ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE

19 Section
20 31-0101 Adoption of International Property Maintenance Code by Reference
21 31-0102 Amendment to International Property Maintenance Code

22 31-0101. Adoption of International Property Maintenance Code by
23 Reference.--There is hereby adopted by reference by the board of city commissioners,
for the purpose of prescribing regulations governing standards, relative to housing in
the city of Fargo, that certain code known as the International Property Maintenance
Code recommended and compiled by the International Code Council ~~Conference of~~
~~Building Officials~~, being particularly the ~~2006~~2009 edition thereof, a copy of which

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1 is on file in the office of the city auditor, and the same is hereby adopted and
2 incorporated as fully as if set out in length herein, and from the date on which this
3 ordinance shall take effect, the provisions thereof shall be controlling within the
4 limits of the city, and within the extra-territorial jurisdiction of the city.

5 31.0102. Amendment to International Property Maintenance Code.--The
6 International Property Maintenance Code as adopted in §31-0101 is hereby changed
7 and amended as follows:

8 **Section 101.1** is hereby amended to read as follows:

9 **101.1 Title.** These regulations shall be known as the Property Maintenance
10 Code of ~~[NAME OF JURISDICTION]~~ the City of Fargo, hereinafter referred
11 to as "this code".

12 **Section 102.3** is hereby amended to read as follows:

13 **102.3 Application of other codes.** Repairs, additions or alterations to a
14 structure, or changes of occupancy, shall be done in accordance with the
15 procedures and provisions of ~~the International Building Code, International
16 Fuel Gas Code, International Mechanical Code and NFPA-70~~ all applicable
17 ordinances adopted by the City of Fargo. ~~Nothing in this code shall be
18 construed to cancel, modify or set aside any provision of the International
19 Zoning Code.~~

20 **Section 103.5** is hereby amended to read as follows:

21 **103.5 Fees.** The fees for activities and services performed by the department in
22 carrying out its responsibilities under this code shall be as indicated in the following
23 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-Inspections. - As to the fourth and any
subsequent re-inspection, a fee of \$100

Section 111.2 first sentence is hereby amended to read as follows:

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1 **111.2 Membership of board.** The board of appeals shall consist of a
2 ~~minimum of three~~ five members who are qualified by experience and training
3 to pass on matters pertaining to property maintenance and who are not
4 employees of the jurisdiction.

5 ***

6 **Section 111.2.1** first sentence is hereby amended to read as follows:

7 **111.2.1 Alternate members.** The ~~chief appointing authority~~ Board of City
8 Commissioners shall appoint ~~two~~ one or more alternate members who shall be
9 called by the board chairman to hear appeals during the absence or
10 disqualification of a member.

11 ***

12 **Section 111.6** is hereby amended to read as follows:

13 **111.6 Board decision.** The board shall modify or reverse the decision of the
14 code official only by a concurring vote of a ~~majority of the total~~ four
15 appointed board members.

16 ***

17 **Section 112.4** is hereby amended to read as follows:

18 **112.4 Failure to comply.** Any person who shall continue any work after
19 having been served with a stop work order, except such work as that person is
20 directed to perform to remove a violation or unsafe condition, shall be liable
21 ~~to a fine of not less than [AMOUNT] dollars or more than [AMOUNT]~~
22 ~~dollars~~ subject to penalties prescribed by law.

23 **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 Fire Code, International
Zoning Code, International Plumbing Code, International Mechanical Code or NFPA
70, such terms shall have the meanings ascribed to them as stated in those codes.

Throughout this code, wherever reference is made to the International Plumbing
Code, it shall be taken to mean the North Dakota State Plumbing Code. Throughout
this code, wherever reference is made to the ICC Electrical Code, it shall be taken to

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mean the National Electrical Code together with the North Dakota State Wiring Standards.

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2 **Section 302.4** is hereby amended to read as follows:

3 **302.4 Weeds.** All *premises* and *exterior property* shall be maintained free from
4 weeds or plant growth ~~in excess of (jurisdiction to insert height in inches)~~ as
5 determined by the Fargo health department. All noxious weeds shall be
6 prohibited. Weeds shall be defined as all grasses, annual plants and vegetation,
7 other than trees or shrubs provided; however, this term shall not include cultivated
8 flowers and gardens. Upon failure of the *owner* or agent having charge of a
9 property to cut and destroy weeds after service of a notice of violation, they shall
10 be subject to prosecution in accordance with Section 106.3 and as prescribed by
11 the authority having jurisdiction. Upon failure to comply with the notice of
12 violation, any duly authorized employee of the jurisdiction or contractor hired by
13 the jurisdiction shall be authorized to enter upon the property in violation and cut
14 and destroy the weeds growing thereon, and the costs of such removal shall be
15 paid by the *owner* or agent responsible for the property.

16 **Section 304.14** is hereby amended to insert the dates April 1st and October 31st.

17 **Section 602.2** exception is hereby deleted.

18 **Section 602.3** is hereby amended to read as follows:

19 **602.3 Heat supply.** Every owner and operator of any building who rents,
20 leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom
21 on terms, either expressed or implied, to furnish heat to the occupants thereof
22 shall supply heat ~~during the period from (date) to (date)~~ to maintain a
23 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.~~

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~~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.~~

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Section 603.2 is hereby amended to read as follows:

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

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

Section 704.4 is hereby amended to as follows:

704.4 Interconnection. Where more than one smoke alarm is required to be installed by this code within an individual *dwelling unit* in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected and installed in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed as required by the International Residential Code and International Building Code.

Exceptions:

1. ~~Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.~~
2. ~~Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.~~

Section 2. Penalty.

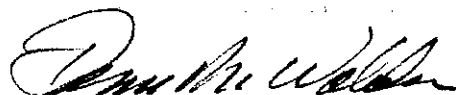
A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$500.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

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Section 3. Effective Date.

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



Dennis R. Walaker, Mayor

(SEAL)

Attest:


Steven Sprague, City Auditor

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

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