

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4749

AN ORDINANCE AMENDING ARTICLE 30.1-01 OF CHAPTER 30.1
OF THE FARGO MUNICIPAL CODE
RELATING TO THE INTERNATIONAL FUEL GAS CODE

1
2 WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in
3 accordance with Chapter 40-05.1 of the North Dakota Century Code; and

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

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

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

10 NOW, THEREFORE,

11 Be It Ordained by the Board of City Commissioners of the City of Fargo:

12 Section 1. Amendment.

13 Chapter 30.1 of the Fargo Municipal Code is hereby amended as follows:

14 CHAPTER 30.1

15 INTERNATIONAL FUEL GAS CODE

16 Article

17 30.1-01

International Fuel Gas Code—Adoption—Amendments, §§ 30.1-0101 to
18 30.1-0102

19 ARTICLE 30.1-01

20 INTERNATIONAL FUEL GAS CODE – ADOPTION

21 Section

22 30.1-0101

Adoption of International Fuel Gas Code by Reference

23 30.1-0102

Amendment to International Fuel Gas Code

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1 30.1-0101. Adoption of International Fuel Gas Code by Reference.—There is hereby
2 adopted by reference by the Board of City Commissioners, for the purpose of prescribing
3 regulations governing standards, relative to housing in the City of Fargo, that certain code known
4 as the International Fuel Gas Code ~~recommended and compiled~~ sponsored by the International
5 ~~Conference of Building Officials~~ International Code Council, being particularly the ~~2006~~2009
6 Edition thereof, a copy of which is on file in the office of the City Auditor, and the same is
7 hereby adopted and incorporated as fully as if set out in length herein, and from the date on
8 which this ordinance shall take effect, the provisions thereof shall be controlling within the limits
9 of the city, and within the extra-territorial jurisdiction of the city.

10 30.1-0102. Amendment to International Fuel Gas Code.—The International Fuel Gas
11 Code as adopted in Section 30.1-0101 is hereby changed and amended as follows:

12 **Sections 103.2 and 103.3** Are here by deleted in their entirety:

13 **Section 103.4** is amended to read as follows:

14 **Section 103.4 Liability.** The code official, member of the board of appeals or
15 employee charged with the enforcement of this code, while acting for the
16 jurisdiction in good faith and without malice in the discharge of the duties
17 required by this code or other pertinent law or ordinance, shall not thereby be
18 rendered liable personally, and is hereby relieved from all personal liability for
19 any damage accruing to persons or property as a result of an act or by reason of an
20 act or omission in the discharge of official duties.

21 Any suit instituted against any officer or employee because of an act performed
22 by that officer or employee in the lawful discharge of duties and under the
23 provisions of this code shall be defended by the legal representative of the
jurisdiction until the final termination of the proceedings. The code official or any
subordinate shall not be liable for costs in an 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 106.5.8 Is hereby deleted in its entirety:

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1 **Section 106.6.2 Fee schedule.** The fees for mechanical work shall be as indicated in the
2 following schedule established by resolution of the Fargo board of city commissioners.

3 **Section 106.6.3** is hereby amended as follows:

4 **Section 106.6.3 Fee refunds.** The code official ~~shall~~ is authorized to order the
5 refunding of fees as follows.

- 6 1. The full amount of any fee paid hereunder which was erroneously paid or
7 collected.
- 8 2. Not more than eighty percent (80%) of the permit fee paid when no work
9 has been done under a permit issued in accordance with this code.
- 10 3. Not more than eighty percent (80%) of the plan review fee paid when an
11 application for a permit for which a plan review fee has been paid is withdrawn or
12 canceled before any plan review effort has been expended.

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

16 **Section 303.3** Is hereby amended to read as follows:

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

- 21 1. The *appliance* is a direct-vent *appliance* installed in accordance with the
22 conditions of the listing and the manufacturer's instructions.
- 23 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 304.5
3. ~~A single wall-mounted unvented room heater is installed in a bathroom and such
unvented room heater is equipped as specified in Section 621.6 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 304.5.~~

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4. ~~A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section 621.6 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 304.5.~~

5.3. 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 304.6.

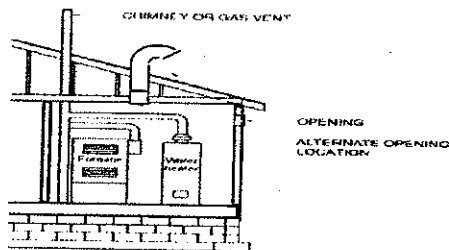
Section 304.6.1 is hereby amended to read as follows:

304.6.1 Two-permanent-openings method. Two permanent openings, one commencing within 12 inches (305 mm) of the top and one commencing within 12 inches (305 mm) of the bottom of the enclosure, shall be provided. The openings shall communicate directly, or by ducts, with the outdoors or spaces that freely communicate with the outdoors. Where directly communicating with the outdoors, or where communicating with the outdoors through vertical ducts, each opening shall have a minimum free area of 1 square inch per 4,000 Btu/h (550 mm²/kW) of total input rating of all appliances in the enclosure. [see Figures 304.6.1(1) and 304.6.1(2)]. Where communicating with the outdoors through horizontal ducts, each opening shall have a minimum free area of not less than 1 square inch per 2,000 Btu/h (1,100 mm²/kW) of total input rating of all appliances in the enclosure [see Figure 304.6.1(3)].

Figure 304.6.1 (1) is hereby deleted in its entirety:

Figure 304.6.1 (2) is hereby deleted in its entirety:

Figure 304.6.2 is hereby amended as shown below:



Section 304.6.2 is hereby amended to read as follows:

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1 **Section 304.6.2 One-permanent-opening method.** One permanent opening,
2 commencing within 12 inches (305 mm) of the top of the enclosure, shall be
3 provided. The *appliance* shall have clearances of at least 1 inch (25 mm) from the
4 sides and back and 6 inches (152 mm) from the front of the *appliance*. The
5 opening shall directly communicate with the outdoors or through a vertical or
6 horizontal duct to the outdoors, ~~or spaces that freely communicate with the~~
7 ~~outdoors (see Figure 304.6.2)~~ and shall have a minimum free area of 1 square inch
8 per 3,000 Btu/h (734mm²/kW) of the total input rating of all appliances located in
9 the enclosure and not less than the sum of the areas of all vent connectors in the
10 space.

11 **Section 304.11 (5)** is hereby amended as follows

- 12 5. Ducts shall not be screened where terminating terminate in an attic
13 space.

14 **Section 403.3** is hereby amended as follows:

15 **Section 403.3 Other materials.** Material not covered by the standards
16 specifications listed herein shall be investigated and tested to determine that it is
17 safe and suitable for the proposed service, and, in addition, shall be recommended
18 for that service by the manufacturer and shall be *approved* by the code official.
19 Listed LPG hose may be used with natural gas when used for temporary heating
20 at a maximum length of 50 feet

21 **Section 403.10.1.1** is hereby amended to read as follows:

22 **Section 403.10.1.1** Gas supply systems with pressures 5 psig or greater and gas
23 pipe joints 2 ½ inches or larger, regardless of pressure, shall be welded.

24 **Section 403.10.4** is hereby amended to read as follows:

- 25 1. Threaded fittings in sizes ~~larger than 4 inches (102 mm)~~ 2 ½ inches or larger shall
26 not be used except where *approved*.

27 **Section 406.4** is hereby amended to read as follows:

28 **Section 406.4 Test pressure measurement.** Test pressure shall be measured with
29 a manometer or with a pressure-measuring device designed and calibrated to read,

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1 record or indicate a pressure loss caused by leakage during the pressure test
2 period. The source of pressure shall be isolated before the pressure tests are
3 made. ~~Mechanical gauges used to measure test pressures shall have a range such~~
4 ~~that the highest end of the scale is not greater than five times the test pressure.~~
5 Dial gauges used to measure test pressures shall be performed with gauges of 2
6 psi incrimination or less and have a range not exceeding 100 psi unless otherwise
7 approved.

8 **Section 406.4.1** is hereby amended to read as follows:

9 **Section 406.4.1 Test pressure.** The test pressure to be used shall be no less than
10 1 1/2 times the proposed maximum working pressure, but not less than 3 psig (20
11 kPa gauge), 25 psig irrespective of design pressure. Where the test pressure
12 exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that
13 produces a hoop stress in the piping greater than 50 percent of the specified
14 minimum yield strength of the pipe.

15 **Section 408.2** is hereby amended to read as follows:

16 **Section 408.2 Drips.** Where wet gas exists, a drip shall be provided at any point
17 in the line of pipe where condensate could collect. ~~A drip shall also be provided at~~
18 ~~the outlet of the meter and shall be installed so as to constitute a trap wherein an~~
19 ~~accumulation of condensate will shut off the flow of gas before the condensate~~
20 ~~will run back into the meter.~~

21 **Section 411.2** is hereby amended to read as follows:

22 **Section 411.2 Manufactured home connections.** Manufactured homes shall be
23 connected to the distribution *piping* system by one of the following materials:
1. ~~Metallie pipe in accordance with Section 403.4.~~
2. ~~Metallie tubing in accordance with Section 403.5.~~
3. *Listed and labeled* connectors in compliance with ANSI Z21.75/CSA 6.27 and
installed in accordance with the manufacturer's installation instructions.

Section 415.1 is hereby amended to add the following:

Section 415.1 Interval of support. *Piping* shall be supported at intervals not
exceeding the spacing specified in Table 415.1. Spacing of supports for CSST
shall be in accordance with the CSST manufacturer's instructions.

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1 In addition to the requirements of Table 415.1, piping and tubing shall be
2 supported within 2 feet of every bend or angle.

3 **Section 501.8** is hereby amended by deleting item 8 and renumbering as follows:

- 4 ~~8.~~ Room heaters *listed* for unvented use.
5 9. 8. Direct-fired makeup air heaters.
6 ~~10.9.~~ Other appliances *listed* for unvented use and not provided with flue collars.
7 ~~11.10.~~ Specialized appliances of limited input such as laboratory burners and gas lights.

8 **Section 501.12** is hereby amended to read as follows:

9 **Section 501.12 Residential and low-heat appliances flue lining systems.**

10 Flue lining systems for use with residential-type and low-heat appliances shall be
11 limited to the following:

- 12 1. Clay flue lining complying with the requirements of ASTM C 315 or equivalent
13 when each appliance connected into the masonry chimney has a minimum input
14 rating greater than 400,000 Btu/h. Clay flue lining shall be installed in accordance
15 with the *International Building Code*.
16 2. *Listed* chimney lining systems complying with UL1777.
17 3. Other *approved* materials that will resist, without cracking, softening or corrosion,
18 flue gases and condensate at temperatures up to 1,800°F (982°C)

19 a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches
20 thick to 8 inches diameter.

21 b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge
22 (0.018 inches thick) to 8 inches diameter or not less than 24 gauge (0.024 inches
23 thick) 8 inches 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 503.5.3 is hereby amended to read as follows:

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 sec. 501.12.~~

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Section 503.5.6.1 is hereby amended to read as follows:

1
2 **Section 503.5.6.1 Chimney lining.** Chimneys shall be lined in accordance with
3 NFPA 211 and Section 501.12.

4 **Exception:** Where an existing chimney complies with Sections 503.5.6 through
5 503.5.6.3 and its sizing is in accordance with Section 503.5.5, its continued use
6 shall be allowed ~~where the appliance vented by such chimney is replaced by an~~
7 ~~appliance of similar type, input rating and efficiency.~~ when in more than one
8 appliance venting system the secondary appliance, such as a water heater, is
9 replaced and the primary heating appliance remains.

10 **Section 621** is hereby deleted in its entirety.

11 Section 2. Penalty.

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

16 Section 3. Effective Date.

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

19 

20 Dennis R. Walaker, Mayor

21 (S E A L)

22 Attest:

23 

Steven Sprague, City Auditor

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