

## BOARD OF APPEALS

March 17, 2016

Members Present: Chairperson Wayne Larson, Harold Thompsen, Joel Davy, Terry Welle

Members Absent: Jeff Furstenu, Dave Obermiller

Others Present: Ron Strand, Ryan Erickson, John Arens, John Mrozla, Gretchen Morlan

Chairperson Larson called the meeting to order. Mr. Thompsen moved to approve the minutes of the March 3, 2016 meeting and Mr. Davy seconded the motion. All members present voted aye and the motion was declared carried.

Mr. Strand greeted the Board. He stated this meeting would be his last due to his upcoming retirement on April 1, 2016. Mr. Strand introduced Mr. Mrozla and Mr. Arens to the Board.

Mr. Mrozla introduced the 2015 International Maintenance Property Code (IMPC), Chapters 1 through 6 to the Board.

### Chapter 1 Administration.

**Section 101.1** Title. Staff recommends adding a local **AMENDMENT** to read as follows: "These regulations shall be known as the Property Maintenance Code of ~~[NAME OF JURISDICTION]~~ the City of Fargo, hereinafter referred to as 'this code'."

**Section 102.3** Application of other codes. Staff recommends adding a local **AMENDMENT** to read as follows: "Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable ordinances adopted by the City of Fargo."

**Section 103.5** Fees. Of the International Property Maintenance Code, adopted by Section 31-0101 and changed and amended by Section 31-0102 of Article 31-01 of Chapter 31 of the Fargo Municipal Code. Staff recommends adding a local **AMENDMENT** to read as follows:

**Section 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-inspections – As to the fourth and any subsequent re-inspection, a fee of \$100

**Section 111.2** Membership of board. Staff recommends adding a local **AMENDMENT** to read as follows: "The board of appeals shall consist of ~~three~~ five members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction."

**Section 111.2.1** Alternate members. Staff recommends adding a local **AMENDMENT** to read as follows: "The ~~chief appointing authority~~ Board of City Commissioners shall appoint ~~two~~ one or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member."

**Section 111.6** Board decision. Staff recommends adding a local **AMENDMENT** to read as follows: “The board shall modify or reverse the decision of the code official only by a concurring vote of ~~a majority of the total~~ four appointed board members.”

**Section 112.4** Failure to comply. Staff recommends adding a local **AMENDMENT** to read as follows: “...shall be ~~to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars~~ subject to penalties prescribed by law.

#### **CODE CHANGES:**

**Section 102.2** Maintenance. *a minor change which adds the phrase “owner’s authorized agent”.*

**Section 103.4** Liability. *words changed from “liable personally” to “civilly or criminally liable”.*

**Section 103.4.1** Legal defence. *a new citation entitled **Legal Defense**, which takes its text word for word from the 2012 IPMC citation 103.4.*

**Section 104.3** Right of entry. *a minor change which adds the phrase “owner’s authorized agent”.*

**Section 105.1** Modifications. *a minor change which adds the phrase “or owner’s authorized agent”.*

**Section 105.2** Alternative materials, methods and equipment. *A new sentence added: “Where the alternative material, design or method of construction is not *approved*, the code official shall respond in writing, stating the reasons the alternative was not *approved*”.*

**Sections 107.2** Form. Item 5: *a minor change which adds the phrase “or owners authorized agent”.*

**Sections 107.6, 108.2, 108.2.1, 108.3, 108.6, 109.5, 110.1, 110.3, 112.2** Added phrase “or owner’s authorized agent”.

#### **Chapter 2 Definitions.**

**Section 201.3** Terms defined in other codes. Staff recommends adding a local **AMENDMENT** to read as follows: 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 NFPA 70, it shall be taken to mean the National Electrical Code together with the North Dakota State Wiring Standards.

**Section 202** General definitions.

Cost of such demolition or emergency repairs. New definition.

Historic building. New definition

Infestation. The word “rat” has been replaced by the word “rodent”.

#### **Chapter 3 General Requirements.**

**Section 302.4** Weeds. Staff recommends adding a local **AMENDMENT** to read as follows: “...weeds or plant growth ~~in excess of (jurisdiction to insert height in inches)~~ as determined by the Fargo Health Dept.”

**Section 304.14** Insect Screens. Staff recommends adding a local **AMENDMENT** inserting the dates: April 1<sup>st</sup> and October 31<sup>st</sup>.

#### **Chapter 4 Light Ventilation and Occupancy Limitations.**

No Changes.

#### **Chapter 5 Plumbing Facilities and Fixture Requirements.**

No Changes.

#### **Chapter 6 Mechanical and Electrical Requirements.**

**Section 602.3** Heat supply. Staff recommends adding a local **AMENDMENT** to read as follows: “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 minimum temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

**Section 602.3** Heat supply. Staff recommends adding a local **AMENDMENT** deleting the last sentence of Exception 1: ~~The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.~~

**Section 602.4** Occupiable work spaces. Staff recommends adding a local **AMENDMENT** to read as follows: “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.”

**Section 603.2** Staff recommends adding a local **AMENDMENT** deleting the Exception: ~~Fuel-burning equipment and appliances that are labeled for unvented operation.~~

Mr. Arens presented the 2015 International Maintenance Property Code (IMPC), Chapter 7 to the Board.

#### **Chapter 7 Fire Safety Requirements.**

**Section 704.1.2 Fire Department Connection.** is a new section that copies the 2015 IFC (section 912.2.2 page143) *This section would require existing buildings with a Fire Department Connection (FDC) that is not visible to approaching fire apparatus to have an approved sign mounted on the street front or side of the building that states “FDC” (in 6 inch letters) and words or an arrow (in 2 inch letters) to indicate the location of the FDC. The sign must be approved by the Fire Code Official.*

**Section 704.2 Single- and multiple-station smoke alarms.** This section has been reworded slightly and is now more specific in the subsections to require smoke detectors in I-1 and R existing occupancies.

**Section 704.2.1 Where required.** This is a new section that has three exceptions. The exceptions are: 1) *for when it has detection that was required when it was built.* 2) *for a building that retrofitted smoke detectors that complied at the time of the retro.* 3) *for when a fire alarm system was installed.*

**Section 704.2.1.1 Group R -1** is a new section that copies the 2015 IFC (section 907.2.11.1 page 125), the 2015 IBC, and the 2015 IRC. *This section covers the 3 required locations in R-1 occupancies for smoke alarms in buildings that don't fit the prior exceptions.*

**Section 704.2.1.2 Groups R-2, R-3, R-4, I-1.** This section is just about the same as the 2012 IPMC with the exception of taking out R-1 which is now a specific addressed in the prior section. *This section covers the 3 required locations in R-2, R-3, R-4, and I-1 occupancies in buildings that don't fit the prior exceptions.*

**Section 704.2.1.3 Installations near cooking appliances.** This is a new section that is the same as the 2015 IFC section 907.2.11.3. *This section gives 3 specific minimum distances that the detector must be from a cooking appliances depending on the type of detector.*

**Section 704.2.1.4 Installation near bathrooms.** This is a new section that is the same as the 2015 IFC section 907.2.11.4. *This section gives 3 feet as the minimum distance that the detector must be from bathroom door that contains a bath or shower.*

**Section 704.2.2 Interconnection.** This section is similar to the 2015 IFC Section 907.2.11.5. *It has changed from the 2012 IPMC to now allow listed wireless alarms that all alarms sound upon activation of one alarm. Exceptions are the same as the 2012 IPMC.*

**Section 704.2.3 Power source.** This section has a slight change from the 2012 IPMC. It is the same as section 907.2.11.6 2015 IFC with the exception of the 3 exceptions. The slight change is the addition of "Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system." *The three exceptions that allow just battery power have been added to deal with existing buildings that 1) no construction is taking place, 2) have no commercial power, 3) if the building is undergoing alterations but not opening walls and areas to run the wiring.*

**Section 702.2.4 Smoke detection systems.** This is a new section that is the same as 2015 IFC section 907.2.11.7. There are three conditions that must be met that complies with the IFC in order to use a system for the dwelling or sleeping unit.

The Board congratulated Mr. Strand on his upcoming retirement and thanked him for his service.

There being no further business, the hearing was adjourned.

Respectfully Submitted,

Ron C. Strand