

Board of Appeals

October 3, 2024

Members Present: Kevin Bartram, Justin Schoenberg, Mark Lundberg, Brian Berg, David Vig

Members Absent: Clay Dietrich

Others Present: Shawn Ouradnik, Chris Rose, Kevin Koskela, Ryan Erickson, Dawn Stollenwerk, William Wischer, Michelle Lemar

Vice Chairperson Justin Schoenberg called the meeting to order at 9:31 am.

Kevin Bartram made a motion to approve the minutes from August 1, 2024, seconded by Brian Berg. No one was in opposition and the motion was declared carried.

### **Unfinished Business**

- i. Code Review – IMC and IFGC

### **2024 IFGC Code Review – presented by Kevin Koskela**

#### **101.1 Title – pg. 11**

These regulations shall be known as the existing building code of The City of Fargo, hereinafter referred to as “this code”.

#### **104.8 Liability – pg. 15**

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 damage 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.

#### **108.2 Schedule of permit fees – pg. 17**

Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable ~~governing authority~~ City of Fargo Board of City Commissioners.

#### **201.3 Terms defined in other codes – pg. 21**

Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Mechanical code or ~~International~~ North Dakota State Plumbing Code, such terms shall have meanings ascribed to them as in those codes.

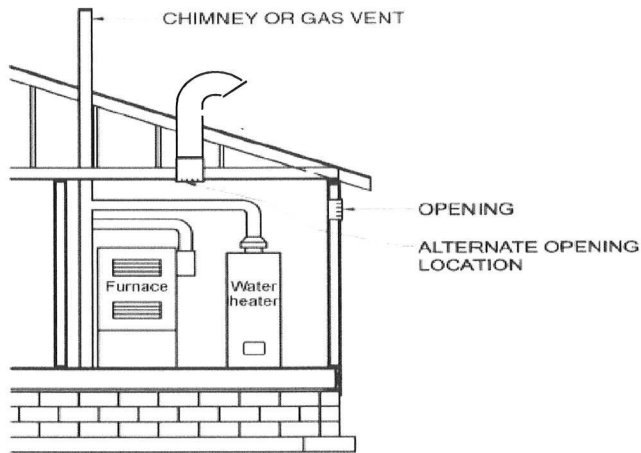
#### **304.6.1 Two-permanent-openings method – pg. 33**

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 mm<sup>2</sup> /kW) of total input rating of all appliances in the enclosure ~~{see Figures 304.6.1(1) and 304.6.1(2)}~~.

**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:



### 304.6.2 One-permanent-opening method pg. 35

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

### 304.11 Combustion air ducts – pg.36

Combustion air ducts shall comply with all of the following:

5. Ducts shall not ~~be screened where terminating~~ terminate in an attic space.

### 406.4 Test pressure measurement – pg. 97

Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. ~~Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.~~ Dial gauges used to measure test pressures shall be performed with gauges of 2-psi incrimination or less and have a range not exceeding 100 psi unless otherwise approved.

### 406.4.1 Test pressure – pg. 97

The test pressure to be used shall be not less than 1 1/2 times the proposed maximum working pressure, but not less than ~~3 psig (20 kPa gauge)~~, 25 psig 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 piping greater than 50 percent of the specified minimum yield strength of the pipe.

#### **408.2 Drips – pg. 99**

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

#### **411.2 Manufactured home connections pg. 102**

Manufactured homes shall be connected to the distribution piping system by ~~one of the following materials:~~

- ~~1. Metallic pipe in accordance with Section 403.3.~~
- ~~2. Metallic tubing in accordance with Section 403.4.~~
3. Listed and labeled connectors in compliance with ANSI Z21.75/CSA 6.27 and installed in accordance with the manufacturer's instructions.

#### **501.12 Residential and low-heat appliances flue lining systems – pg. 109**

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 C315 or equivalent when each appliance connected into the masonry chimney has a minimum input rating greater than 400,000 Btu/h. Clay flue lining shall be installed in accordance with the International Building Code.
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).

#### **2024 IMC Code Review – presented by Kevin Koskela**

##### **101.1 Title – pg. 11**

These regulations shall be known as the Mechanical Code of The City of Fargo, hereinafter referred to as "this code".

##### **103.1 Creation of agency – pg. 12**

The City of Fargo Inspections Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

##### **104.8 Liability – pg. 14**

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.

**109.2 Schedule of permit fees – pg. 17**

Where work requires a permit, a fee for each permit and mechanical work shall be paid as required, in accordance with the schedule as established by the ~~applicable governing authority~~ City of Fargo Board of City Commissioners.

**201.3 Terms defined in others codes – pg. 21**

Where terms are not defined in this code and are defined in the international Building Code, International Fire Code, International Fuel Gas Code or ~~International~~ North Dakota State Plumbing Code, such terms shall have meanings ascribed to them as in those codes.

**307.2.2 Drain pipe materials and sizes – pg. 39**

Components of the condensate disposal system shall be ABS, cast iron, copper and copper alloy, CPVC, cross-linked polyethylene, galvanized steel, PE-RT, polyethylene, polypropylene, PVC or PVDF pipe or tubing. 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~~ North Dakota State Plumbing Code relative to the material type. Condensate waste and drain line size shall be not less than 3 /4-inch pipe size and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drainpipes 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.

**Table 403.3.1.1 Minimum Ventilation Rates – pg. 45**

We did not put the table in this set of notes but know that the occupancy classifications got a lot more specific in the 2024.

**505.7 Group I-1 occupancies – pg. 64**

In Group I-1 occupancies, hood installations over domestic cooking equipment installed in accordance with Section 420.9 of the International Building Code shall comply with the following:

1. Range hoods shall have a minimum airflow rate of 500 cfm (14 000 L/min).
2. Mechanical ventilation shall be provided to the rooms or spaces containing the domestic cooking equipment in accordance with Section 403.3.1.
3. Range hood exhaust shall discharge to the outdoors.

Exception: A listed and labeled ductless range hood shall be permitted where a charcoal filter is provided in the hood to reduce smoke and odors.

**505.8 Group I-2 occupancies –pg. 64**

In Group I-2 occupancies, hood installations above domestic cooking equipment installed in accordance with Section 407.2.7 of the International Building Code shall comply with the following:

1. Range hoods shall have a minimum airflow rate of 500 cfm (14 000 L/min).
2. Mechanical ventilation shall be provided to the rooms or spaces containing the domestic cooking equipment in accordance with Section 403.3.1.
3. Range hood exhaust shall discharge to the outdoors.

Exception: A listed and labeled ductless range hood shall be permitted where a charcoal filter is provided in the hood to reduce smoke and odors.

**506.3.2.5.1 Light test – pg. 65**

A duct test shall be performed by passing a lamp, having not less than 1600 lumens, through the entire section of ductwork to be tested. The lamp shall be open so as to emit light equally in all directions perpendicular to the duct walls. A successful test shall be where the light from the lamp is not visible at any point on the exterior of the duct.

**506.3.2.5.2 Water spray test – pg. 65**

A duct test shall be performed by simulating a cleaning operation of the interior of the duct. A water pump capable of a flowing outlet pressure of not less than 1,200 psi (8274 kPa) shall be used, along with any necessary hoses and spray nozzles, to apply high-pressure water to the inside surfaces of the duct. A successful test shall be where there is no evidence of cleaning water at any point on the exterior of the duct

**507.1 Commercial Kitchen Hood General – pg. 69**

Commercial kitchen exhaust hoods shall comply with the requirements of this section. Hoods shall be Type I or II and shall be designed to capture and confine cooking vapors and residues. A Type I hood shall be installed at or above appliances in accordance with Section 507.2. ~~or~~ A Type II hood shall be installed at or above appliances in accordance with ~~Sections 507.2 and~~ Section 507.3. Where any cooking appliance under a single hood requires a Type I hood, a Type I hood shall be installed. Where a Type II hood is required, a Type I or Type II hood shall be installed. ~~Where a Type I hood is installed, the installation of the entire system, including the hood, ducts, exhaust equipment and makeup air system shall comply with the requirements of Sections 506, 507, 508 and 509~~

The new exceptions are:

3. Ovens listed and labeled for use with wood fuel in accordance with UL 2162 and vented in accordance with the manufacturer's instructions.
4. An electric cooking appliance listed and labeled in accordance with UL 197 for reduced grease emissions.
5. Commercial electric dishwashers incorporating a self-contained condensing system listed and labeled in accordance with UL 921.
6. Where the heat and moisture loads from dishwashers and appliances that produce heat or moisture and do not produce grease or smoke as a result of the cooking process are incorporated into the HVAC system design or into the design of a separate removal system. Spaces containing such cooking appliances that do not require Type II hoods shall be provided with exhaust at a rate of 0.70 cfm per square foot [0.00356 m<sup>3</sup> / (s × m<sup>2</sup> )]. For the purpose of determining the floor area required to be exhausted, each individual appliance that is not required to be installed under a Type II hood shall be considered as occupying not less than 100 square feet (9.3 m<sup>2</sup>). Such additional square footage shall be provided with exhaust at a rate of 0.70 cfm per square foot [0.00356 m<sup>3</sup> / (s × m<sup>2</sup>)].

### **507.1.3 Fuel-burning appliances – pg. 70**

~~Where vented fuel-burning appliances are located in the same room or space as the hood, provisions shall be made to prevent the hood system from interfering with normal operation of the appliance vents.~~ Appliances equipped with draft hoods or atmospheric burners shall not be located in the same room or space containing a Type I or Type II hood except where the appliance is located in a sealed enclosure equipped with a self-closing device with combustion air obtained from the outdoors or from other spaces in the building in accordance with Chapter 7 or the International Fuel Gas Code.

### **701.3 Attic Space – pg. 97**

Attic space shall not be used for combustion air.

### **1101.2.1 Group A2L, A2, A3 and B1 high-probability equipment – pg. 116**

High-probability equipment using Group A2L, A2, A3 or B1 refrigerant shall comply with UL 484, UL/CSA 60335-2-40 or UL/CSA 60335-2-89.

### **1109.3.2 Shaft ventilation – pg. 132**

Refrigerant pipe shafts with systems using Group A2L or B2L refrigerant shall be naturally or mechanically ventilated. Refrigerant pipe shafts with one or more systems using any Group A2, A3, B2 or B3 refrigerant shall be continuously mechanically ventilated and shall include a refrigerant detector. The shaft ventilation exhaust outlet shall comply with Section 501.3.1. Naturally ventilated shafts shall have a pipe, duct or conduit not less than 4 inches (102 mm) in diameter that connects to the lowest point of the shaft and extends to the outdoors. The pipe, duct or conduit shall be level or pitched downward to the outdoors. Mechanically ventilated shafts shall have a minimum airflow velocity in accordance with Table 1109.3.2. The mechanical ventilation shall be continuously operated or activated by a refrigerant detector. Systems utilizing a refrigerant detector shall activate the mechanical ventilation at a maximum refrigerant concentration of 25 percent of the lower flammable limit of the refrigerant. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The shaft shall not be required to be ventilated for double-wall refrigerant pipe where the interstitial space of the double-wall pipe is vented to the outdoors.

### **1208.1 General – pg. 138**

New Hydronic piping systems shall be isolated and tested hydrostatically at one and one-half times the maximum system design pressure, but not no less than 100 psi (689 kPa). The duration of each test shall be not less than 15 minutes.

### **1209.6.2 Radiant tubing circuit tags – pg. 139**

Each individual radiant tubing circuit shall have a tag or label securely affixed to each manifold outlet to indicate the length of each circuit and the areas served.

### **1209.6.3 Radiant tubing drawings – pg. 139**

The radiant tubing drawings and design report shall be provided to the building owner or the designated representative of the building owner.

### **1209.7 Snow- and ice-melt tubing placement – pg. 139**

Hydronic tubing to be embedded for the purpose of snow- and ice-melt systems shall be installed in accordance with the manufacturer's installation instructions and with the tube layout and spacing in accordance with the system design.

### **1209.7.1 Snow- and ice-melt tubing circuit length – pg. 139**

The maximum circuit length of snow and ice-melt tubing from a supply-and-return manifold shall not exceed the lengths specified by the system design or, in the absence of manufacturer's specifications, the lengths specified in Table 1209.7.1. Individual tubing circuit lengths shall be installed with a variance of not more than ±10 percent from the design.

### **1209.7.2 Snow- and ice-melt tubing drawings – pg. 139**

The snow- and ice-melt tubing drawings and design report shall be provided to the building owner or the designated representative of the building owner.

- ii. Code Review – IFC Chapters 1-3 and 11

## **IFC Code review**

### **Chapters 1-3 – presented by Ryan Erickson**

Ryan shared that there are a lot of sections to cover because it is our scope and administration chapter. The fire code is set to for jurisdictions to act on their own if they are not able to team up with a building code. There are a lot of permit sections that we will request to remove so that we can better coordinate with other city departments and not creating duplicate permits. We are not removing the requirement for that permit; we just don't want to create duplicate permits. With that, we will get started.

## **Chapter 1**

### **Scope and Administration**

#### **101.1 Title - pg.24**

Amended to read as follows:

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

Amend this section again to read "City of Fargo" in place of the generic jurisdiction.

#### **103.1 Creation of Agency – pg. 25**

Amended to read as follows:

**103.1 Creation of Agency.** The ~~[INSERT NAME OF DEPARTMENT]~~ Fargo Fire Department is hereby created and the official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

Amend this section to add department name. Previously in the code, this section contained generic name language.

#### **104.8 Liability – pg. 28**

Amended to read as follows:

**104.8 Liability.** The fire code official, member of the board of appeals, officer 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 civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an 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.

#### **105.5.1 Additive manufacturing – pg. 30**

Is hereby deleted in its entirety.

This permit was added to the 2021 IFC for 3D printing. Recommend removing the permit, but all code requirements of Section 320 would remain.

#### **105.5.9 Compressed gases – pg. 30**

Is amended to read as follows:

##### **Table 105.5.9 Permit Amounts for Compressed Gases.**

Carbon dioxide used in carbon dioxide enrichment systems ~~875 (100 lbs.)~~ 4375 (500 lbs.)

Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications ~~875 (100 lbs.)~~ 4375 (500 lbs.)

The amount was increased to include regulation for large systems that can impact safety if a leak develops.

#### **105.5.14 Energy storage systems – pg. 31**

Is hereby deleted in its entirety.

This is a new permit added to the 2021 IFC; however, this is adequately covered through permits at the inspections office.

#### **105.5.15 Exhibits and trade shows – pg. 31**

Is hereby deleted in its entirety.

Historically the fire department has not issued this permit, and we do not have the capacity to issue permits for all exhibits and trade shows.

#### **105.5.18(2) Flammable and combustible liquids – pg. 31**

Amended in part to read as follows:

2. To store, handle or use Class 1A liquids in excess of ~~5~~ 30 gallons, Class 1B liquids in excess of 60 gallons, Class 1C liquids in excess of 90 gallons (19 L) in a building or ~~in excess of 10 gallons (37.9 L)~~ outside of a building, except that a permit is not required for the following:

The existing exemption limits were not practical for requiring a permit and have increased them accordingly. See Table 5003.1.1(1) – Page 353 (Hazardous Materials)



**105.5.18(3) Flammable and combustible liquids – pg. 32**

Is hereby amended to read as follows:

To store, handle or use Class II or Class IIIA liquids in excess of ~~25~~ 120 gallons (95 L) in a building or in excess of ~~60~~ 120 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

The existing exemption limits were not practical for requiring a permit. See Table 5003.1.1(1) – Page 353 (Hazardous Materials)

**105.5.19 Floor finishing – pg. 32**

Is hereby deleted in its entirety.

Floor finishing is adequately covered under a building permit.

**105.5.25(1)(5)(6) Hot work operations – pg. 34**

Subsections 1, 5, and 6 are hereby deleted in their entirety.

These areas are either unenforceable or were not felt to be necessary for requiring a permit.

**105.5.26 Indoor plant cultivation – pg. 34**

New permit requirement for indoor plant cultivation where CO2 enriched environment is created.

**105.5.29 Lithium batteries – pg. 34**

New permit for storage of lithium-ion batteries.

**105.5.33 Miscellaneous**

**combustible storage – pg. 34**

Is hereby deleted in its entirety.

Permitting requirements for this type of storage does not appear to be necessary.

**105.5.34 Mobile food preparation vehicles – pg. 34**

Is hereby deleted in its entirety.

Mobile food trucks are currently licensed by the Health Department. There are over 60 current licenses issued by the health department. If an additional operational permit is required by the fire department there will be an impact to staff time, currently there is not extra capacity.

**105.5.35 Motor fuel-dispensing facilities – pg. 34**

Is hereby deleted in its entirety.

Motor fuel dispensing facilities as noted in this section are licensed through the Auditor's Office.

**105.5.38 Open flames and candles – pg. 34**

Amended to read as follows:

**105.5.38 Open flames and candles.** An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. For purposes of this provision, churches shall not be deemed to be assembly areas and shall not be required to obtain a permit to utilize candles in religious ceremonies.

This exemption is for the church altar area only.

**105.5.40 Outdoor assembly event – pg. 34**

Is hereby deleted in its entirety.

The City of Fargo is currently setting up an ordinance for special events. The permit will be through the City of Fargo. These events affect multiple departments, and it makes sense to have the permit include all those affected.

**105.5.42 Plant extraction systems – pg. 34**

Is hereby deleted in its entirety.

Plant extraction systems are used in processing marijuana. The state health department is currently charged with creating statewide rules regarding licensing and permitting of both grow and sale facilities. It is important to note that this simply deletes the permit requirement. Any facility would still have to comply with the fire code and would be subject to fire inspections.

**105.5.46 Refrigeration equipment – pg. 35**

Is amended to read as follows:

**105.5.46 Refrigeration equipment.** An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6 containing more than 30 pounds of Group A3, B2, or B3 refrigerant.

This new amendment clarifies when an annual permit is required from the fire department for refrigeration systems. Group A3 refrigerant is highly flammable. Group B2 and B3 refrigerants are both flammable and toxic.

**105.5.47 Repair garages and motor fuel-dispensing facilities – pg. 35**

Is amended to read as follows:

**105.5.47 Repair garages and motor fuel-dispensing facilities.** An operational permit is required for operation of repair garages.

Motor fuel dispensing facilities as noted in this section are licensed through the Auditor's Office.

**105.5.51 Temporary membrane structures and, special event structures tents – pg. 35**

Is amended to read as follows:

**Section 105.5.51 Temporary membrane structures and, special event structures tents.** An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure, or a tent having an area in excess of 400 square feet (37m<sup>2</sup>) for the purposes of assembly.

Tents are also regulated by the inspection and planning departments. Typically, tents for the purposes of greenhouses and sales are permitted there. The fire department will continue to regulate the higher risk tents where public assembly events occur.

**105.5.55 Temporary heating or in tents or membrane structures – pg. 35**

Is hereby deleted in its entirety.

These permitting requirements are covered through the tent permit requirements. A separate permit is not necessary.

**105.5.56 Temporary heating or cooking in wildfire risk areas – pg. 35**

Is hereby deleted in its entirety.

The City of Fargo does not have identified wildfire risk areas.

**105.5.57 Temporary heating for construction sites – pg. 35**

Is hereby deleted in its entirety.

Many construction sites use temporary heat. These can be regulated during normal construction site inspections. An additional permit is not necessary as the site will already have a building permit.

Ryan shared that this is the start of the construction permits in the fire code and again there is a lot of these that are brought in here if your jurisdiction runs independently.

**105.6.2 Automatic sprinkler systems – pg. 35**

New permit for the installation or modification of sprinkler systems. This was previously handled under fire extinguishing system permits.

**105.6.3 Compressed gasses – pg. 35**

Is hereby deleted in its entirety.

Compressed gases is adequately covered under the operational permit section of the code.

**105.6.6 Energy storage systems – pg. 36**

Is hereby deleted in its entirety.

Energy storage systems are adequately covered under inspection department permits.

**105.6.8 Fire pumps and related equipment – pg. 36**

Is hereby deleted in its entirety.

Fire pumps is covered under other permitting guidelines.

**105.6.11 Gas detection systems – pg. 36**

Is hereby deleted in its entirety.

Gas Detection is covered under other permitting guidelines.

**105.6.12 Gates and barricades across fire apparatus access roads – pg. 36**

Is hereby deleted in its entirety.

Gates and Barricades is adequately covered under other sections of the code.

**105.6.13 Hazardous materials – pg. 36**

Is hereby deleted in its entirety.

Hazardous materials facility is covered under other permitting guidelines.

**105.6.14 High-piled combustible storage – pg. 36**

Is hereby deleted in its entirety.  
High pile storage is covered under other permitting guidelines.

**105.6.16 LP-gas – pg. 36**

Is hereby amended to read as follows:

**105.6.16 LP-gas.** A construction permit is required for installation of or modification to an LP-gas system with a single container in excess of 2000 gallons water capacity or the aggregate capacity of containers is more than 4000 gallons in water capacity.

This section was modified to match the construction document submittal requirements for LPG. (See Section 6101.3 – Page 547)

**105.6.17 Motor vehicle repair rooms and booths – pg. 36**

Is hereby deleted in its entirety.

Motor vehicle repair rooms is covered under other permitting guidelines.

**105.6.18 Plant extraction systems – pg. 36**

Is hereby deleted in its entirety.

Plant extraction systems is covered under other permitting guidelines.

**105.6.19 Private fire hydrants – pg. 36**

Is hereby deleted in its entirety.

Private fire hydrants are reviewed and approved during the building permitting process.

**105.6.20 Smoke control or smoke exhaust systems – pg. 36**

Is hereby deleted in its entirety.

Smoke control systems are reviewed and approved during the building permitting process.

**105.6.21 Solar photovoltaic power systems – pg. 36**

Is hereby deleted in its entirety.

Solar photovoltaic systems are reviewed and approved during the building permitting process.

**105.6.22 Special event structure – pg. 36**

Is hereby deleted in its entirety.

Special events are covered under other permitting guidelines.

**105.6.24 Standpipe systems – pg. 37**

Is hereby deleted in its entirety.

Standpipes are covered under other permitting guidelines.

**105.6.25 Temporary membrane structures and tents – pg. 37**

Is hereby deleted in its entirety.

Temporary tents are adequately covered in the operational permit section. (See section 105.5.51)

**106.4 Retention of construction documents – pg. 37**

Amended to read as follows:

**106.4 Retention of construction documents.** One set of construction documents shall be retained by the fire code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. ~~One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.~~

This amendment is added to coincide with the longstanding amendment in the IBC.

**107 Temporary structures, uses, equipment and systems – pg. 37**

New section clarifying permit for temporary uses not to exceed 180 days.

**113.4 Violation penalties – pg. 40**

Amended in part to read as follows:

**113.4 Violation penalties.**

...shall be guilty of an ~~{SPECIFY OFFENSE} infraction, punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [number of days], or both such fine and imprisonment.~~ Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

(This section outlines the penalties for violations of the code.)

**Chapter 2**

**Definitions**

**202 – pg. 58**

HYBRID FIRE-EXTINGUISHING SYSTEM. A system that utilizes a combination of atomized water and inert gas to extinguish fire.

**202 – pg. 64**

POWERED MICROMOBILITY DEVICES. Motorized bicycles, motorized scooters and other personal mobility devices powered by a lithium-ion or lithium metal battery.

The term does not include motor vehicles that are required to be registered with the Department of Motor Vehicles for the state or jurisdiction.

**203 – pg. 71**

Occupancy Classification and Use were moved to section 203.

**203.4.2 Group E, day care facilities – pg. 73**

Amended to read as follows:

**203.4.2 Group E, day care facilities.** This group includes buildings and structures or portions thereof occupied by more than ~~five~~ twelve children older than 2 ½ years of age who receive educational, supervision or personal care services for fewer than 24 hours per day.

**203.4.2.2 Five or fewer children – pg. 73**

Amended to read as follows:

**203.4.2.2 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.

**203.4.2.3 Five or fewer children in a dwelling unit – pg. 73**

Amended to read as follows:

**203.4.2.3 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.

**203.7.4 Institutional Group I-4 Daycare facilities – pg. 77**

Amended to read in part as follows:

**203.7.4 Institutional Group I-4 Daycare 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

**203.7.4.1 Classification as a Group E – pg. 77**

Amended to read in part as follows:

**203.7.4.1 Classification as a Group E.** Every child day care facility that provides care for more than ~~five~~ twelve but not more than 100 children 2 ½ 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.

**203.7.4.3 Five or fewer persons receiving care – pg. 77**

Amended to read as follows:

**203.7.4.3 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.

**203.7.4.4 Five or fewer persons receiving care in a dwelling unit – pg. 77**

Amended to read as follows:

**Section 203.7.4.4 Five Twelve or fewer persons receiving care in a dwelling unit.** A facility such as the above within a dwelling unit 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.

## Chapter 3

### General Requirements

**304.1.1 Valet trash – pg. 83**

Amended to read as follows:

**304.1.1 Valet trash.** Valet trash collection shall not be permitted. Trash and recycling materials shall not be placed in the corridor of Group R occupancies, only where approved. The owner and valet trash collection service provider shall comply with the rules and limitations established by the jurisdiction.

Valet trash has seen a push nationally. Fargo has many apartment buildings and regulating these businesses could become extensive. Other methods already exist for indoor trash collection, including trash chutes, and trash collection rooms.

Ryan shared that they really want the hallways clear. We have a whole range of buildings in Fargo from having sprinklers to not having sprinklers. They have seen a building with a fire on the first floor and the smoke makes it to the third floor making egress difficult.

**304.3.6 Waste and linen containers in Group I-1, I-2 and I-3 occupancies and ambulatory care facilities. – pg. 83**

Waste and linen containers located in Group I-1, I-2 and I-3 occupancies and ambulatory care facilities shall be constructed of noncombustible materials or low heat release materials in accordance with Section 304.3.2

**304.3.7 Waste containers with a capacity of 20 gallons or more in Group R-2 college and university dormitories – pg. 84**

Waste containers, including their lids, located in Group R-2 college and university dormitories, and with a capacity of 20 gallons (75.7 L) or more, shall be constructed of noncombustible materials or low heat release materials in accordance with Section 304.3.2.

**307.1.1 Prohibited open burning – pg. 84**

Amended to read as follows:

**307.1.1 Prohibited open burning.** *Open burning* shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous. All open burning, including recreational fires, is banned when the fire index is at the high, very high or extreme level and any time during a red flag warning.

This new amendment codifies the City's policy regarding open burning and recreational fires.

**308.3 Group A Occupancies – pg. 86**

Amended by adding the following subsection 1.4 to exception 1:

**308.3 Group A Occupancies.** Open-flame devices shall not be used in a Group A occupancy.

**Exceptions:**

1. Open-flame devices are allowed to be used in the following situations, provided *approved* precautions are taken to prevent ignition of a combustible material or injury to occupants:

1.4 Open-flame devices for food warming.

This exception was added to cover the use of Sterno or similar products to warm food.

Section 320 is a new section regarding Lithium-Ion batteries and storage. Increase in fires that are related to batteries not properly built or have been worked on or damaged. Larger cities have seen an increase in fires where they have rental scooters. They just want to make sure how and where they are being charged is being regulated.

**320 – pg. 94**

Lithium-Ion and Lithium Metal Battery Storage. This is a new section regulating the storage of Lithium-Ion batteries. Larger cities have seen a significant increase in fires due to Lithium-Ion batteries. FDNY for example, has increased regulation and public education regarding this risk.

### **320.3 Fire safety plan – pg. 94**

A fire safety plan shall be provided in accordance with Section 404. In addition, the fire safety plan shall include emergency response actions to be taken upon detection of a fire or possible fire involving lithium-ion or lithium metal battery storage.

### **320.4 Storage requirements – pg. 94**

Indoor storage is limited to not more than 15 cubic feet in containers. Storage areas larger than 15 cubic feet require a technical opinion and report that makes recommendations for fire and explosion protection.

#### **320.4.2.2 Construction requirements – pg. 94**

Indoor storage areas shall be separated by a 2-hour fire barrier.

#### **320.4.2.3 Fire protection systems – pg. 94**

Indoor storage areas are required to be protected by an automatic sprinkler system with the design in accordance with the technical opinion and report.

#### **320.4.2.4 Fire alarm systems – pg. 94**

Approved automatic fire detection is required to detect both fires and the precursor of battery gases being vented.

#### **320.4.2.5 Explosion control – pg. 94**

The technical opinion and report will recommend explosion control design.

### **320.4.3 Outdoor storage – pg. 95**

Outdoor storage is regulated to be no less than 20 feet from buildings or public ways. The distances can be reduced by using 2-hour fire rated assemblies.

#### **320.4.3.2 Storage area size limits and separation – pg. 95**

Outdoor storage areas for lithium-ion or lithium metal batteries, including storage beneath weather protection in accordance with Section 414.6.1 of the International Building Code, shall not exceed 900 square feet (83.6 m<sup>2</sup>). The height of battery storage in such areas shall not exceed 10 feet (3048 mm). Multiple battery storage areas shall be separated from each other by not less than 10 feet (3048 mm) of open space.

#### **320.4.3.3 Fire Detection – pg. 95**

Outdoor fire detection is required and shall use radiant energy-sensing detection.

### **322 Powered Micromobility Devices – pg. 95**

This is a new section regulating micromobility devices and their storage and charging.

Micromobility devices include e-bikes, scooters, and other battery powered devices. The use of a residence as a business of charging commercially owned micromobility devices is prohibited.



### **322.4 Battery charging areas – pg. 95**

New section that contains specific requirements for areas where powered micromobility devices may be charged. A fire alarm system is required.

### **322.5 Fire Safety plan – pg. 96**

A fire safety plan is required for charging and storage of micromobility devices.

## **Chapter 11 – presented by Ryan Erickson**

### **Construction Requirements for Existing Buildings**

#### **1101 – pg. 248**

Chapter 11 of the IFC contains minimum requirements for existing buildings. Existing building requirements have been in the IFC since its creation. The first code cycle where all the existing building requirements were consolidated to one chapter for efficiency and to make the code more user friendly was the 2009 IFC. The 2009 IFC created chapter 46 Construction Requirements for Existing Buildings. From the 2009 IFC: Chapter 46 is a new chapter to the IFC, *“While this chapter is new, its content existed previously in the IFC but in a random manner that was neither efficient nor user-friendly.”* It’s not clear why, but chapter 46 was not adopted in the City of Fargo with the 2009 adoption, even though all of the requirements are enforceable as they were adopted with the 2006 IFC. There were no local amendments to the existing building requirements with the adoption of the 2006 IFC through city of Fargo ordinance 4603.

With the adoption of the 2024 IFC, we would like to adopt Chapter 11 to correct this oversight. Nearly all sections are currently enforceable within the City of Fargo, as the retroactive requirement has been previously adopted. Existing building requirements will be covered and discussed as to whether they were previously codified, or if they are, existing building requirements intended for institutional buildings required to comply with federal CMS regulations.

#### **1103.2 Emergency responder communications enhancement in existing buildings– pg. 249**

Is hereby deleted in its entirety.

Chapter 11 contains retroactive requirements many of these requirements were previously in other sections of the code prior to the 2012 edition. In order to simplify enforcement of the codes, it is desirable to adopt this chapter where code sections have been previously required. The emergency responder radio coverage section has not been previously required and is only required on new buildings or substantial remodels.

#### **1103.3 Existing elevators – pg. 249**

Section 1103.3 contains the requirements for existing elevators. Previously required in IFC 2006 section 607.

#### **1103.4 Vertical openings – pg. 250**

Vertical opening protection requirements. IFC 2006 contained group I requirements in section 704.

**1103.4.9 Waste and linen chutes – pg. 252**

Waste and Linen chutes in group I-2 requirements for opening protection and chute rating.

**1103.4.10 Flue Fed incinerators – pg. 252**

Existing flue-fed incinerators rooms and shafts shall be 1 hour rated.

**1103.5.1 Group A-2 – pg. 252**

Is hereby deleted in its entirety.

This would require retroactive sprinkler system in Group A-2 with OL of 300 or more.

**1103.5.3 Group I-2, Condition 2 – pg. 252**

Is hereby deleted in its entirety.

This would require retroactive sprinkler system in Group I-2 condition 2.

**1103.5.4 High-rise buildings – pg. 252**

Is hereby deleted in its entirety.

This would require retroactive sprinkler system in existing high-rise buildings.

**1103.6 Standpipes – pg. 252**

Standpipes contains requirements for retroactive standpipe installation and was previously in 2006 IFC section 905.11.

**1103.7 Fire alarm systems – pg. 253**

Fire alarm systems contains requirements for retroactive installation of fire alarm systems and was previously in 2006 IFC section 907.3.

**1104 Means of egress for existing buildings – pg. 255**

Means of Egress for existing buildings contains minimum requirements for existing buildings and was previously in 2006 IFC section 1027.

**1105 Construction requirements for existing group I-2 – pg. 260**

Construction requirements for existing group I-2 contains the requirements for facilities that are required to meet federal CMS regulations. These requirements were added to the 2015 IFC chapter 11 to align with federal CMS requirements. These requirements typically come from the Life Safety Code.

**1106 Requirements for outdoor operations – pg. 264**

Requirements for outdoor operations contains requirements for existing tire storage yards and access to piles.

**1107 Energy storage systems – pg. 264**

Energy storage systems contains requirements for lithium-ion technology energy storage systems installed prior to the adoption of the 2018 IFC. Requirements include a hazard analysis and detection.

**New Business**

No new Business

**Announcements**

- i. Adjustment to Tentative Code Review Schedule

**November 7, 2024** – IFC Chapters 4-80

**December 5, 2024** – Remaining IFC

**IRC Chapters 1-3** Shawn Ouradnik

**IRC Chapters 4-6** Joseph Girdner

**IRC Chapters 7-10** Bill Thompson and Dillon Riemann

**IRC Chapters 12-24** Jon Woltmann

**January 2, 2025** – IPMC – Lynne Olson

Justin Schoenberg called for a motion to adjourn the meeting. Kevin Bartram motioned to adjourn the meeting, seconded by Mark Lundberg. No one was in opposition and the motion was declared carried.

Meeting adjourned at 10:34 am.

Respectfully submitted



Shawn Ouradnik  
Board Secretary