Board of Appeals May 1, 2025 Members Present: Clay Dietrich, Justin Schoenberg, Kevin Bartram, Brian Berg, Mark Lundberg Members Absent: David Vig Others Present: Shawn Ouradnik, Dawn Stollenwerk, Alissa Farol, Scott Dahms, Michelle Lemar

Chairperson Clay Dietrich called the meeting to order at 9:30am.

Brian Berg made a motion to approve the minutes from April 3, 2025, seconded by Mark Lundberg. No one was in opposition and the motion was declared carried.

Unfinished Business

a) Code Amendments

Shawn presented the list of amendments and asked the board for their recommendation to the City Commission for adoption.

2024 IBC Chapter 1

101.1 Title – pg. 20

Previous local amendment: These regulations shall be known as the Building Code of the City of Fargo hereinafter referred to as "this code."

101.4.3 Plumbing – pg. 20

Previous local amendment: The provisions of the North Dakota State Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the North Dakota State Plumbing Code shall apply to private sewage disposal systems.

103.1 Creation of enforcement agency – pg. 21

Previous local amendment: The Inspections Department is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

104.2.4.1 Flood hazard areas – pg. 23

The building official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:

- 1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
- 2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.

- 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; cause fraud on or victimization of the public; or conflict with existing laws or ordinances.
- 4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
- 5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas – pg. 23

No Changes - delete in entirety

105.2 Work exempt from permit – pg. 24-25

Keep previous amendment.

- 2. Fences not over 8.5 feet high.
- 6. Sidewalks and driveways.
- 11. Swing and other playground equipment.
- 12. Window awnings.
- 14. Reroofing.

107.3.1 Approval of construction documents – pg. 27

Previous local amendment: When the building official issues a permit, the construction documents shall be approved, in writing or by stamp. One set of construction documents so reviewed shall be retained by the Building Official.

109.2 Schedule of permit fees - pg. 27

Previous local amendment: Where a permit is required, a fee for each permit and plan review shall be paid as required, in accordance with the schedule as established by the Board of City Commissioners. The plan review fees specified in this subsection are separate from, and in addition to, permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged in an amount not to exceed 10% of the building permit fee established in Section 109.2.

110.3.3 Lowest floor elevation – pg. 28

Previous local amendment: Delete in entirety.

110.3.12.1 Flood hazard documentation. – pg. 28

Pervious local amendment: Delete in entirety.

Chapter 3

305.2 Group E, day care facilities - pg. 69

Previous local amendment: This group includes buildings and structures or portions thereof occupied by more than twelve children older than 2 ½ years of age who receive educational, supervision or personal care services for fewer than 24 hours per day.

305.2.2 Twelve or fewer children - pg. 69

Previous local amendment: A facility having twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

305.2.3 Twelve or fewer children in a dwelling unit - pg. 69

Previous local amendment: A facility such as the above within a dwelling unit and having 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.

308.5 Institutional Group I-4, day care facilities. - pg. 78

Previous local amendment: Institutional Group I-4 occupancy shall include buildings and structures occupied by more than 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

308.5.1 Classification as Group E. – pg. 78

Previous local amendment: Every child day care facility that provides care for more than 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.

308.5.3 Twelve or fewer persons receiving care - pg. 78

Previous local amendment: A facility having twelve or fewer persons receiving custodial care shall be classified as part of the primary occupancy.

Chapter 4

406.3.2.1 Dwelling unit separation - pg. 94

We recommend keeping our existing amendment deleting this section in its entirety.

Chapter 8

802.4 Applicability - pg. 258

We recommend keeping our existing amendment deleting this section based on it being related to flood hazard areas.

Chapter 9

Section 903.3.1 is hereby amended to read as follows.

Section 903.3.1 Standards. Automatic sprinkler systems shall be designed <u>with a 5-psi safety</u> <u>margin</u> and installed in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 and other chapters of this code, as applicable.

Section 903.3.1.1.1 Exempt locations is amended by adding the following exception:

<u>6. Elevator machine room and machinery spaces. Where sprinklers are not installed in</u> <u>elevator machine rooms, shunt trip required in accordance with IBC 3005.5 shall not be installed.</u>

Section 903.3.5 is hereby amended to read as follows.

Section 903.3.5 Water Supplies is amended to read as follows:

903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official. <u>Underground water supply piping shall be constructed of a material allowed by Fargo Municipal Code Chapter 16 and Chapter 22 and shall be allowed to extend into the building through the slab or wall not more than 24 inches.</u>

THIS AMENDMENT WILL NEED TO BE DELETED IN ITS ENTIRITY------Section 905.1 is hereby amended to add an exception to read as follows.

Exception: The installation of fire hose on standpipes may be omitted when approved by the local fire code official. Approved standpipe hose valves and connections shall be provided where required.

Section 907.2.11.1 is hereby amended to read as follows:

Section 907.2.11.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

* * *

4. In sleeping units where the ceiling height of a room open to the hallway serving the sleeping rooms exceeds that of the hallway by 24 inches or more, smoke alarms shall be installed in the hallway and in the adjacent room.

Section 907.2.11.2 is hereby amended to read as follows:

Section 907.2.11.2 Groups R-2, R-3, R-4 and I-1. Single- or multiple station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

* * *

4. In dwelling units where the ceiling height of a room open to the hallway serving the sleeping room exceeds that of the hallway by 24 inches or more, smoke alarms shall be installed in the hallway and in the adjacent room.

Chapter 10 Section 1003.3.1 is hereby amended as follows:

* * *

A<u>n approved</u> barrier shall be provided where the vertical clearance above a *circulation path* is less than 80 inches (2032 mm) high above the finished floor. The leading edge <u>A portion</u> of such a barrier shall be located 27 inches (686 m) maximum above the finished floor.

Section 1009.8.1 is hereby amended to read as follows:

Section 1009.8.1 System requirements. Two-way communication systems shall provide communication between each required location and the fire command center or a central control point location approved by the fire department. Where the central control point is not a constantly attended location, the two-way communication system shall have timed, automatic telephone dialout capability that provides two-way communication with an approved supervising station or emergency services. The two-way communication system shall include both audible and visible signals.

SECTION 1011.1 Exceptions are hereby amended to read as follows.

Section 1011.1 Exceptions:

- **<u>1.</u>** Within rooms or spaces used for assembly purposes, stepped aisles shall comply with Section 1030.
- 2. In B, F, M, S or U occupancies a stairway that is private and not open to the public that serves an area of 750 sf or less shall have a maximum riser height of 8 inches, a minimum tread depth of 9 inches, a minimum width of 36 inches and shall have at least one handrail that terminates at the top and bottom riser. All other requirements of section 1014 shall apply.

Section 1011.5.2 Exceptions are hereby amended to read as follows:

Section 1011.5.2 Exceptions:

* *

3. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units; the maximum riser height shall be 7.34 inches (197 mm) 8 inches; the minimum tread depth shall be 10 inches (254 mm) 9 inches; and the minimum winder tread depth shall be 6 inches (152mm). A nosing

projection not less than ¾ inch (19.1mm) but not more than 1 ¼ inches (32mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279mm)

6. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a maximum 8 inch riser height and minimum 9 tread depth.

Section 1015.2 is hereby amended to read as follows:

Section 1015.2 Where required. Guards shall be located along open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings, that are located more than 30 inches(762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side above the floor or grade below or if within 36 inches (914 mm) horizontally to the edge of the open side of the vertical measurement to the floor or grade below is greater than 48 inches. Guards shall be adequate in strength and attachment in accordance with section 1607.9.

Chapter 11

Section 1104.4 Exceptions are hereby amended to read as follows:

Section 1104.4 Exceptions:

- An accessible route is not required to stories, mezzanines and occupied roofs that have an aggregate area of not more than 3,000 square feet (278.7 m²), or are in a building 2 stories or less above grade plane and are located above and or below accessible levels. This exception shall not apply to:
 - * * *

Chapter 12

Section 1202.1 is hereby amended to read as follows:

Section 1202.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1202.5, or mechanical ventilation in accordance with the International Mechanical Code.

Section 1204.4.4 is hereby deleted in its entirety.

Sections 1206 is hereby deleted in its entirety.

Chapter 14

Sections 1402.9 (Flood resistance) and 1402.10 Flood resistance for costal high-hazard areas and costal A zones) are hereby deleted in their entirety.

Sections 1403.6 (Concrete) and 1403.7(Glass-unit masonry) are hereby deleted in their entirety.

Chapter 16

1601.1 Scope – pg. 433

Section 1601.1 is hereby amended to read as following:

1601.1 Scope. The provisions of this chapter shall govern the structural design of buildings, structures and portions thereof regulated by this code.

It shall not be the responsibility of the building official to determine engineering requirements of this code. Exclusive of the conventional light-frame wood construction provisions referenced in Section 2308, the method to resist loads as referenced in this chapter is the responsibility of a structural engineer or other qualified design professional.

1610.1 Lateral Pressures – pg. 462

Section 1610.1 exception is hereby amended to read as follows:

Exception: Foundation walls extending not more than 9 feet below grade and laterally supported at the top by flexible diaphragms shall be permitted to be designed for active pressure.

1612 Flood Loads - pg. 463

Section 1612 is hereby deleted in its entirety.

Chapter 18

1804.4 Site Grading – pg. 489

Section 1804.4 is hereby deleted in its entirety and the follow text enacted: Section 1804.4 Site Grading. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection. Lost shall be graded to drain surface water away from foundation walls.

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of the backfill.

1804.5 Grading and fill in flood hazard areas - pg. 490

Section 1804.5 is hereby deleted in its entirety.

1805.1.2.1 Flood Hazard Areas – pg. 490

Section 1805.1.2.1 is hereby deleted in its entirety.

1809.5 Frost Protection – pg. 502

Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

- 1. Extending below the frost line of the locality.
- 2. Constructing in accordance with ASCE 32.
- 3. Erecting on solid rock.

Exception: Free-standing unheated buildings used as Group U or S occupancies for the storage of private or pleasure-type motor vehicles constructed in accordance with Sections 406.1 and 406.3 meeting all of the following conditions shall not be required to be protected:

- 1. Assigned to Risk Category I.
- 2. Eave height of 20 feet (3048 mm) or less.
- 3. Building is not normally occupied.

Chapter 29

2901.1 – we have a local amendments for this section

Section 2901.1 is hereby amended to read as follows:

Section 2901.1 Scope. The provisions of this chapter and the North Dakota State Plumbing Code shall govern the design, construction, erection and installation of plumbing components, appliances, equipment and systems used in buildings and structures covered by this code. Toilet and bathing rooms shall be constructed in accordance with Section 1210. Private sewage disposal systems shall conform to the North Dakota State Plumbing Code. The International Fire Code, the International Property Maintenance Code and the North Dakota State Plumbing Code shall govern the use and maintenance of plumbing components, appliances, equipment and systems. The International Existing Building Code and the North Dakota State Plumbing Code shall govern the alteration, repair, relocation, replacement and addition of plumbing components, appliances, equipment and systems.

2902.3 we are adding a local amendment for this section.

The amendment adds an exception to providing toilet facilities.

Exception 3. Unheated self-storage facilities that are not staffed.

3. The egress door shall be capable of being unlocked from outside the room with a key or other approved means.

2024 IRC

Chapter 1

SCOPE AND ADMINISTRATION

101.1 Title – pg. 26

Is hereby amended to read as follows:

These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the city of Fargo, and shall be cited as such and will be referred to herein as "this code."

R103.1 Creation of enforcement agency. – pg. 27

Is hereby amended to read as follows:

The department of building safety of the city of Fargo is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

R104.2.3.1 Flood hazard areas. - pg. 28

Is hereby deleted in its entirety.

Section R104.8 - pg. 29

Is hereby amended to read as follows:

R104.8. Liability. The building 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 civilly or criminally 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.

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 R105.2 - pg. 29-30

Is hereby amended to read as follows:

R105.2 Work exempt from permit.

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Other than storm shelters, one-story detached accessory structures, provided the floor area does not exceed 120 square feet.

2. Fences not over 8.5 feet high.

* * * *

7. Swimming pools that are less than 24 inches (610 mm) deep.

* * * *

10. Decks not exceeding 120 square feet in area, that are not more than 7 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R318.4.

Section R106.1.4 - pg. 31

Is hereby deleted in its entirety.

Section R108.3 - pg. 32

Is hereby amended to read as follows:

R108.3 Building permit valuations. Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

CHAPTER 2

DEFINITIONS

Add definition as follows:

Landing. A constructed platform at the top or bottom of a staircase or between one flight of stairs and another. A landing may not consist of soil, gravel, or sand.

Section R201.3 Terms defined in other codes. - pg. 36

Is hereby amended to read as follows:

Where terms are not defined in this code such terms shall have the meanings ascribed in other code publications of the International Code Council. Wherever the term 'International Plumbing Code' or 'International Private Sewage Disposal Code' is used in the International Residential Code, it shall mean the North Dakota State Plumbing Code. Wherever the term 'ICC Electrical Code' is used in the International Residential Code, it shall mean the National Electrical Code together with the North Dakota State Wiring Standards. Wherever reference is made to flood plain requirements, it shall mean the Fargo Flood Plain Management Ordinance together with the Fargo Flood Proofing Code.

CHAPTER 3

BUILDING PLANNING

Table R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA – pg. 59 is hereby amended to read as follows:

Table 301.2(1)													
Climacti	Climactic and Geographic Design Criteria												
Wind Design				Subject to Damage From									
Ground					Seismic				Winter	Ice Barrier	Flood	Air	Mean
Snow					Design				Design	Underlayment	Hararda	Freezing	Annual
Load	Speed	Topographic	Special Wind	Windoborne	Category		Frost Line		Temp	Required	macarus	Index	Temp
	(mph)	Effects	Region	Debris Zone		Weathering	Depth	Termite					
50	115	No	No	No	Zone A	Severe	4.5'	None	-18°	Yes	1978	4000	41.5°
Manual J Design Criteria													
			Winter	Summer			Indoor	Design	Design	Temperature			
Elevation		Lattitude	Heating	Cooling	Altitude Co	rrection Factor	Temperatu	ire	Cooling		Heating Te	mperature (Difference
869		46	-17*	88"	None		70*		75*		87*		
Cooling													
Temperat	ure	Wind Velocity	Wind Velocity	Coincident	1								
Difference H		Heating	Cooling	Wet Bulb	Daily Range		Winter Humidity		Summer Humidity				
13*		15 mph	7.5 mph	70	м		30%		50%]		

Section R301.2.4 Floodplain construction. and R301.2.4.1 Alternative provisions. – pg. 78 Is hereby deleted in its entirety.

Table R302.1(1) Exterior Walls. – pg. 81

The fourth column is hereby amended as follows:

		EXTERIOR WALLS	
EXTERIO	R WALL ENT	MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Molle	Fire- resistance rated	 hour—tested in accordance with ASTM E119, UL 263 or Section 703.2.2 of the International Building Code with exposure from both sides 	0 feet
vvans	Not fire- resistance rated	0 hours	≥ 3 feet
	Not allowed	NA	< 2 feet
Projections	Fire- resistance rated	1 hour on the underside, or heavy timber, or fire- retardant-treated wood ^{a, b}	≥ 2 feet to < 3 feet
	Not fire- resistance rated	0 hours	≥ 3 feet
	Not allowed	NA	< 3 feet
Openings in walls	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	Δ11	Comply with Section R302.4	< 3 feet
n energions		None required	3 feet

TABLE R302 1(1)

R302.5.1 Opening Protection. - pg. 84

Is hereby amended to read as follows:

Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1% inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1% inches (35 mm) thick, or 20-minute fire-rated doors.

Section R306 – pg. 93

Is hereby deleted in its entirety.

R318.3.2 Floor elevations at other exterior doors. – pg. 103

Amended to read as follows:

Exterior doors other than the required egress door shall be provided with landings or floors not more than 8 inches below the top of the threshold.

Exception: A top landing is not required where a stairway with a total rise of less than 30 inches (762 mm) is located on the exterior side of the door, provided that the door does not swing over the stairway.

R318.7.5.1 Stairs. - pg. 104

Is hereby amended to read as follows:

R318.7.5.1 Risers. The riser height shall be not more than 8 inches.

* * * *

R318.7.5.2 Treads – pg. 104

Is hereby amended to add the following exception:

Exception: Where a landing is not provided or required by sections R318.3, R318.3.2, or R318.7.6, the top tread of a stair serving exterior doors other than the required exit door, and in-swinging doors opening into an attached garage, shall be permitted to exceed the smallest tread by more than 3/8 inch (9.5mm). Such a tread shall be at least 18 inches (457mm) measured in the direction of travel.

R318.7.5.2.1 Winder treads. - pg. 104

Is hereby amended to read as follows:

R318.7.5.2.1 Winder treads. Winder treads shall have a tread depth of not less than 9 inches measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline.

* * * *

R318.7.6 Landings for stairways. - pg. 104

Amended to read as follows:

Exceptions:

1. The top landing of an interior *stairway,* including those in an enclosed garage, shall be permitted to be on the other side of a door located at the top of the *stairway* provided that the door does not swing over the stairs.

2. At an enclosed garage, the top landing at the *stair* shall be permitted to be not more than 73/4 inches (197 mm) below the top of the threshold.

3. At exterior doors, a top landing is not required for an exterior stairway of not more than two risers, provided that the door does not swing over the *stairway*.

R319.2.3 Maximum height from floor. – pg. 106

Is hereby amended to add the following exception:

Exception: Below grade emergency escape and rescue windows shall have a maximum sill height of 48 inches.

R319.4.2 Ladder and steps. – pg. 106

Is hereby amended to read as follows:

R319.4.2 Ladder and steps. Area wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with an approved, permanently affixed ladder or steps usable with the window in the fully open position or shall be equipped with a permanently-attached platform at least 30 inches by 16 inches. The maximum distance between the top of the window well and a platform shall be 42 inches

and shall not impede the operation of the window. The ladder or steps shall not be obstructed by the emergency escape and rescue opening where the window or door is in the open position. Ladders or steps required by this section shall not be required to comply with Section R318.7.

R319.4.2.1 Ladders – pg. 106

Is hereby amended to add the following exception:

Exception: Terraced window wells with a maximum of 24 inches per vertical rise and minimum of 12 inches per horizontal projection on each level shall also be allowed.

R321.1.1 Guards. - pg. 108

Is hereby amended to read as follows:

Section 321.1.1 Where Required. Guards shall be provided for those portions of open-sided walking surfaces, including floors, stairs, ramps, and landings, that are located more than 30 inches (762mm) measured vertically to the floor or grade below or to the bottom of any window well within 36 inches (914mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.

R327.1 Space required. – pg. 114

Is hereby amended to read as follows:

Fixtures shall be spaced in accordance with the requirements of the North Dakota State Plumbing Code and Figure R307.1, with the exception of the clearance in front of the water closets and bidets which shall be at least 24 inches.

R328 Swimming Pools, Spas and Hot Tubs – pg. 114

Is hereby deleted in its entirety.

Chapter 4

Section R401.1 is hereby amended to read as follows:

R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for buildings. In the addition to the provisions of this chapter, the design and construction of foundations in flood hazard areas and established by Table R301.2(1) shall meet the provisions of The Fargo Floodproofing Code (Article 21-06) and any other applicable requirements of the city of Fargo. Wood foundations shall be designed and installed in accordance with AWC PWF.

Section R401.3 exception. is hereby deleted in its entirety.

SectionR403.1.4.1 exceptions are hereby amended to read as follows:

Exceptions:

- 1. Protection of free-standing accessory structures of light-frame construction, shall not be required.
- 2. Protection of free-standing accessory structures with an area of 400 square feet (37m2) or less, of other than light-frame construction, shall not be required.
- 3. Uncovered decks need not be provided with footings that extend below the frost line.

Section R404.1.3.2 is hereby amended to read as follows:

R404.1.3.2 Reinforcement for foundation walls. Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with Table R404.1.3.2(1). Vertical reinforcement shall be provided in accordance with Table R404.3.2(2), R404.1.3.2(3), R404.1.3.2(4), R404.1.3.2(5), R404.1.3.2(6), R404.1.3.2(7), or R404.1.3.2(8) or Table R404.1.2(10) and Figure R404.1.2(1) or Table R404.1.2(11) and R404.1.2(2). Vertical reinforcement for flat basement walls retaining 4 feet (1219 mm) or more of unbalanced backfill is permitted to be determined in accordance with Table R404.1.3.2(9). For basement walls supporting above-grade concrete walls, vertical reinforcement shall be the greater of that required by Tables R404.1.3.2(2) through R404.1.3.2(8) or by Section R608.6 for the above-grade wall. In buildings assigned to Seismic Design Category D0, D1 or D2, concrete foundation walls shall also comply with Section R404.1.4.2.

Table R404.1.3.2(10) is hereby adopted to read as follows:

Table R404.1.3.2(10) Foundation Wall Reinforcing Active Pressure = 45pd

Minimum Reinforcement for Concrete				
Foundation Walls				
Wall Height	Wall Thickness (t)	Vertical		
(h) feet	inches	Reinforcing		
	Q	#4 @ 24" o.c.		
8	0	#5 @ 40" o.c.		
	10	#4 @ 30" o.c.		
	10	#5 @ 50" o.c.		
q	8	#4 @ 18" o.c.		
	0	#5 @ 28" o.c.		
	10	#4 @ 24" o.c.		
		#5 @ 36" o.c.		
10	10	#4 @ 16" o.c.		
10	10	#5 @ 26" o.c.		

Notes:

- 1. Chart is based on an active soil pressure of 45 pounds per cubic foot (pct).
- 2. Reinforcing steel shall be ASTM A615 Fy 60,000 pounds per square inch (psi).
- 3. The vertical reinforcing bars are to be located on the inside face.
- 4. Minimum concrete strength $Fc^1 = 3,000$ pounds per square inch (psi).
- 5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

Table R404.1.3.2(11) is hereby adopted as follows:

Active Pressure = 65 pcf				
Minimum Reinford	cement for Concrete			
Foundation Walls				
Wall Height	Wall Thickness (t)	Vertical		
(h) Feet	inches	Reinforcing		
		#4 @ 18" o.c.		
	8	#5 @ 26" o.c.		
8		#6 @ 40" o.c.		
		#4 @ 24" o.c.		
	10	#5 @ 36" o.c.		
		#6 @ 52" o.c.		
		#4 @ 12" o.c.		
	8	#5 @ 18" o.c.		
9		#6 @ 26" o.c.		
5		#4 @ 16" o.c.		
	10	#5 @ 24" o.c.		
		#6 @ 36" o.c.		
		#4 @ 12" o.c.		
10	10	#5 @ 18" o.c.		
		#6 @ 24" o.c.		

Table R404.1.3.2(11) Foundation Wall Reinforcing

Notes:

- 1. Chart is based on an active soil pressure of 65 pounds per cubic foot (pcf).
- 2. Reinforcing steel shall be ASTM A615 Fy 60,000 pounds per square inch (psi).
- 3. The vertical reinforcing bars are to be located on the inside face.
- 4. Minimum concrete strength $Fc^1 = 3,000$ pounds per square inch (psi).
- Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.
 6.

Figures R404.1.3.2(1) and R404.1.3.2(2) are adopted as shown:

FIGURE R404.1.3.2(1)



FIGURE R404.1.3.2(2)



Chapter 5

Section R507.3 is hereby deleted in its entirety.

Table 507.3.1 is hereby deleted in its entirety.

Chapter 6

Section 602.7.2 is hereby amended to read as follows:

Section 602.7.2 Rim board headers. Rim board header size, material and span shall be in accordance with Table R602.7(1). Rim board headers shall be constructed in accordance with Figure R602.7.2 and shall be supported at each end by full-height studs. Rim board headers supporting concentrated loads shall be designed in accordance with accepted engineering practice.

Section 602.7.5 is hereby amended to read as follows:

Section R602.7.5 Support for headers. Headers shall be supported on each end with one or more jack studs or with approved framing anchors in accordance with Table R602.7(1) or R602.7(2). The full-height

stud adjacent to each end of the header shall be end nailed to each end of the header in accordance with Table R602.3(1).

Chapter 11

Table N1102.1.2 Insulation and fenestration criteria – pg. 541

Is hereby amended to read as follows:

Maximum Assembly U-Factors and Fenestration Requirements					
Climate Zone	###	6	###		
Vertical Fenestration <i>U</i> -Factor	###	0.28 <u>0.32</u>	###		
###	###	###	###		
Wood-Framed Wall <i>R</i> -Value ^{e, h}	###	0.045 <u>0.057</u>	###		
###	###	###	###		
Basement Wall <i>R</i> -Value ^{b, e}	###	0.050 <u>0.059</u>	###		
Unheated Slab R-Value & Depth ^e	###	0.66	###		

(balance of table remains the same.)

Table N1102.1.3 R-value alternative – pg. 541

Is hereby amended to read as follows:

Insulation Minimum <i>R</i> -Values and Fenestration Requirements by Component					
Climate Zone	###	6	###		
Vertical Fenestration <i>U</i> -Factor	###	0.30 <u>0.32</u>	##		
###	###	###	###		
Wood-Framed Wall <i>R</i> -Value ^{e, h}	###	30 or 20 & 5ci or 13 & 10 ci or 0 & 20 ci <u>21 or 13 & 5 ci</u>	###		
###	###	###	###		
Basement Wall <i>R</i> -Value ^{b, e}	###	15 ci or 19 or 13 & 5 ci <u>15 or 10 ci</u>	###		
Unheated Slab R-Value & Depth ^e	###	10ci, 3 ft	###		

(balance of table remains unchanged)

Table N1102.5.1.1 Air Barrier, Air Sealing and Insulation Installation – pg. 546Is hereby amended as follows:

Air Barrier, Air Sealing and Insulation Installation					
Component	Air Barrier Criteria	Insulation Installation Criteria			
Basement <u>,</u> Crawl Space and Slab Foundations	(Text Unchanged)	(Additional Text Being Added): <u>Exterior foundation insulation shall be covered and</u> <u>flashed to protect it from exposure to light and</u> <u>weather to a minimum of 6 inches (152 mm) below</u> <u>grade and be covered by a minimum 6-mil</u> <u>polyethylene slip sheet over the entire surface.</u>			

(balance of table remains unchanged)

Section N1106.3.6.3 Testing – pg. 552

Is hereby deleted in its entirety.

Section N1104.2 Interior Lighting Controls – pg. 555

Is hereby deleted in its entirety.

Section N1104.3 Exterior Lighting Controls – pg. 555

Is hereby deleted in its entirety.

Table N1106.5 Maximum Energy Rating Index – pg. 564

Is hereby amended to read as follows:

Maximum Energy Rating Index					
Climate Zone	Energy Rating Index Not Including OPP	Energy Rating Index Including OPP			
###	###	###			
6	53 <u>58</u>	43 <u>48</u>			

(balance of table remains unchanged)

Chapter 13

General Mechanical Systems Requirements M1301.1.1 Flood-resistant installation – pg. 578 Is hereby deleted in its entirety.

Chapter 14

Heating and Cooling Equipment and Appliances M1401.5 Flood hazard – pg. 584 Is hereby deleted in its entirety.

Chapter 15

Exhaust Systems

M1502.4.2 Duct installation – pg. 590

Is hereby amended to read as follows:

Exhaust ducts shall be supported at intervals not to exceed 12 4 feet (3658 mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust ducts joints shall be sealed in accordance with Section M1601.4.1 and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

1503.6 Makeup air required – pg. 592

Exception is hereby deleted in its entirety.

1504.4.1 Joints, seams and connections - pg. 597

Is hereby amended to read as follows: Exception:

3. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams locking-type joints and seams.

Chapter 16

Duct Systems M1601.4.10 Flood Hazard areas – pg. 597 Is hereby deleted in its entirety.

Chapter 17

Combustion Air M1701.2 Opening location – pg. 605 Is hereby deleted in its entirety.

Chapter 20

Boilers and Water Heaters M2001.4 Flood-resistant installation – pg. 605 Is hereby deleted in its entirety.

M2005.1 General – pg. 606 Is hereby amended to read as follows: Water heaters shall be installed in accordance with the North Dakota State Plumbing Code, Chapter 28, the manufacturer's instructions and the requirements of this code.

Chapter 21

Hydronic Piping

M2101.3 Protection of potable water - pg. 609

Is hereby amended to read as follows:

The potable water system shall be protected from backflow in accordance with provisions listed in the North Dakota State Plumbing Code.

M2101.10 Tests – pg. 610

Is hereby amended to read as follows:

New hydronic piping systems shall be tested hydrostatically at a pressure not less than 100 pounds per square inch (689 kPk). The duration of each test shall be not less than 15 minutes. Hydronic piping to be embedded in concrete shall be pressure tested and inspected prior to pouring concrete.

M2103.3 Piping joints - pg. 612

Is hereby amended to read as follows: ****

2. Copper tubing shall be joined by brazing complying with Section 3003.1 the North Dakota State Plumbing Code.

Chapter 22

Special Piping and Storage Systems M2201.6 Flood-resistant installation – pg. 616 Is hereby deleted in its entirety.

Chapter 24

Fuel Gas G2404.7 (301.11) Flood hazard. – pg. 627 Is hereby deleted in its entirety.

FIGURE G2407.6.1(1) [304.6.1(1)] All Air From Outdoors-Inlet Air From Ventilated Crawl Space and Outlet Air to Ventilated Attic – pg. 630

Is hereby deleted in its entirety.

FIGURE G2407.6.1(2) [304.6.1(2)] All Air From Outdoors Through Ventilated Attic – pg. 630 Is hereby deleted in its entirety.

G2407.11 (304.11) Combustion air ducts. – pg. 632

Is hereby amended to read as follows: Combustion air ducts shall comply with all of the following: ***** 5. Ducts shall not terminate in an attic space. *****

G2413.6 (402.6) Allowable pressure drop. - pg. 664

Is hereby amended to read as follows:

The design pressure loss in any piping system under maximum demand, from the point of delivery to the inlet connection of all appliances served, shall be such that the supply pressure at each appliance inlet is greater than or equal to the minimum pressure required by the appliance but such pressure loss shall not be greater than .5 inch water column for gas pipe systems operating at less than 2psi.

G2417.4.1 (406.4.1) Test pressure. - pg. 670

Is hereby amended to read as follows:

The test pressure to be used shall be not less than 11/2 times the proposed maximum working pressure, but not less than 25 + 3 psig (20 kPa gauge), 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.

G2425.12 (501.12) Residential and low-heat appliances flue lining systems. - pg. 676

Is hereby amended to read as follows:

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 Chapter 10.

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).

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

b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches in diameter or not less than 24 gauge (0.024 inches thick) 8 inches in diameter and larger. When a metal liner other than a listed chimney liner is used, a condensation drip tee shall be installed and supported in an approved manner.

G2427.5.2 (503.5.3) Masonry chimneys. - pg. 678

Is hereby amended to read as follows:

Masonry chimneys shall be built and installed in accordance with NFPA 211 and shall be lined in accordance with G2425.12

G2439.7.2 (614.9.2) Duct installation. - pg. 705

Is hereby amended to read as follows:

Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

G2442.4 (618.4) Screen. - pg. 707

Is hereby amended to read as follows:

Required outdoor air inlets shall be covered with a screen having 1/4-inch (6.4 mm) openings. Required outdoor air inlets serving a nonresidential portion of a building shall be covered with screen having openings larger than $\frac{1}{4}$ inch (6.4 mm) and not larger than $\frac{1}{4}$ inch.

Chapters 25-43

Are hereby deleted in their entirety.

Appendix BE Radon Control Methods

Appendix BE Radon Control Methods.

Is hereby amended to read as follows:

BE101 Scope – pg. 941

BE101.1 General. – pg. 941

This appendix contains requirements for new construction in *jurisdictions* where radon-resistant construction is required.

BE102 Definitions - pg. 946

BE102.1 General. – pg. 946

The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure BE 103.1). These techniques are required in areas where designated by the jurisdiction. All potential entry routes, including but not limited to joints, penetrations, gaps, cracks, and openings, shall be cleared of debris and sealed.





BE103.2 Subfloor preparation. - pg. 947

A layer of gas-permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the building, to facilitate future installation of a subslab depressurization system, if needed. The gas-permeable layer shall consist of one of the following:

1. A uniform layer of clean aggregate, not less than 4 inches (102 mm) thick. The aggregate shall consist of material that will pass through a 2-inch (51 mm) sieve and be retained by a ¼-inch (6.4 mm) sieve.

A uniform layer of sand (native or fill), not less than 4 inches (102 mm) thick, overlain by a layer or strips of geotextile drainage matting designed to allow the lateral flow of soil gases.
 Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire subfloor area.

BE103.5 Passive submembrane depressurization system. - pg. 948

In buildings with crawl space foundations, the following components of a passive submembrane depressurization system shall be installed during construction.

Exception: Buildings in which an approved mechanical crawl space ventilation system or other equivalent system is installed.

BE103.5.1 Ventilation. - pg. 948

Crawl spaces shall be provided with vents to the exterior of the building. The minimum net area of ventilation openings shall comply with Section R408.1.

BE103.5.2 Soil-gas-retarder. – pg. 948

The soil in crawl spaces shall be covered with a continuous layer of minimum 6-mil (0.15 mm) polyethylene soil-gas-retarder. The ground cover shall be lapped not less than 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the crawl space area.

BE103.5.3 Vent pipe. Pg. 948

A plumbing tee or other approved connection shall be inserted horizontally beneath the sheeting and connected to a 3- or 4-inch-diameter (76 or 102 mm) fitting with a vertical vent pipe installed through the sheeting. The vent pipe shall be extended up through the building floors, and terminate not less than 12 inches (305 mm) above the roof in a location not less than 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

BE103.6 Passive subslab depressurization system. - pg. 948

In basement or slab-on-grade buildings, the following components of a passive subslab depressurization system shall be installed during construction.

BE103.6.1 Vent pipe. - pg. 948

A minimum 3-inch-diameter (76 mm) ABS, PVC or equivalent gastight pipe shall be embedded vertically into the subslab aggregate or other permeable material before the slab is cast. A "T" fitting or equivalent method shall be used to ensure that the pipe opening remains within the subslab permeable material. Alternatively, the 3-inch (76 mm) pipe shall be inserted directly into an interior perimeter drain tile loop

or through a sealed sump cover where the sump is exposed to the subslab aggregate or connected to it through a drainage system.

The pipe shall be extended up through the building floors, and terminate not less than 12 inches (305 mm) above the surface of the roof in a location not less than 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

BE103.6.2 Multiple vent pipes. - pg. 948

In buildings where interior footings or other barriers separate the subslab aggregate or other gaspermeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that terminates above the roof or each individual vent pipe shall terminate separately above the roof.

BE103.7 Vent pipe drainage. – pg. 948

Components of the radon vent pipe system shall be installed to provide positive drain-age to the ground beneath the slab or soil-gas-retarder.

BE103.8 Vent pipe accessibility. - pg. 949

Radon vent pipes shall be accessible for future fan installation through an attic or other area outside the habitable space.

Exception: The radon vent pipe need not be accessible in an attic space where an approved roof-top electrical supply is provided for future use.

BE103.9 Vent pipe identification. - pg. 949

Exposed and visible interior radon vent pipes shall be identified with not less than one label on each floor and in accessible attics. The label shall read: "Radon Reduction System."

BE103.10 Combination foundations. - pg. 949

Combination basement/crawl space or slab-on-grade/crawl space foundations shall have separate radon vent pipes installed in each type of foundation area. Each radon vent pipe shall terminate above the roof or shall be connected to a single vent that terminates above the roof.

BE103.11 Building depressurization. – pg. 949

Joints in air ducts and plenums in unconditioned spaces shall meet the requirements of Section M1601. Thermal envelope air infiltration requirements shall comply with the energy conservation provisions in Chapter 11. Fire blocking shall meet the requirements contained in Section R302.11.

BE103.12 Power source. - pg. 949

To provide for future installation of an active submembrane or subslab depressurization system, an electrical circuit terminated in an approved box shall be installed during construction in the attic or other anticipated location of vent pipe fans. An electrical supply shall be accessible in anticipated locations of system failure alarms.

2024 IPMC

31-0102. Amendment to International Property Maintenance Code. –The International Property Maintenance Code as adopted in 31-0101 is hereby changed and amended as follows:"

Section 101.1 is hereby amended to read as follows:

[A] 101.1 Title. – pg. 9

These regulations shall be known as the Property Maintenance Code of the city of Fargo, hereinafter referred to as "this code."

Section 102.3 - pg. 9

Is hereby amended to read as follows:

[A] 102.3 Application of other codes – pg. 9

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.

103.1 is hereby amended to read as follows:

[A] 103.1 Creation of agency. – pg. 10

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.

Section 105.9

Is hereby amended to read as follows:

105.9 Certificate of Occupancy for Rental. - pg. 12

For any property that has dwelling units or sleeping units occupied by anyone other than the owner or their family members and regardless if rent, services, or other means of payment are collected or not, a secondary Certificate of Occupancy shall be issued showing compliance with this code and any other codes and ordinances adopted by the city of Fargo. If the property title is transferred to another person or entity the current or previous secondary Certificate of Occupancy shall be obtained.

Issue an open permit for a three (3) year duration before a property can be used as a rental:

105.9.1 Certificate issued. After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department, the *building official* shall issue a certificate of occupancy containing the following:

- 1. The address of the structure.
- 2. The name and address of the *owner* or the owner's authorized agent.
- 3. A description of that portion of the structure for which the certificate is issued.
- 4. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
- 5. The name of the *building official*.
- 6. The edition of the code under which the *certificate* was issued.
- 7. Where an automatic sprinkler system is provided and whether the sprinkler system is required.
- 8. Any special stipulations and conditions of the *certificate of occupancy*.

105.9.2 Revocation. The building official is authorized to suspend or revoke a certificate of occupancy issued under the provisions of this code, in writing, wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of the provisions of this code or other ordinance of the jurisdiction.

Section 201.3 is hereby amended to read as follows:

Section 201.3 Terms defined in other codes. - pg. 17

Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential 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 and ND Admin. Code Section 62-03.1-01. Throughout this code, wherever reference is made to the NFPA 70, it shall be taken to mean the National Electric Code and Chapter 43-09 of the North Dakota State Wiring Standards.

Section 202 New Section

Section 202 Definitions – pg. 17 New definitions:

Definitions amended to read as follows - pg. 18:

MOTORIZED VEHICLE – an object used for transporting people or goods on land under its own power such as a car, truck, or similar.

NON-MOTORIZED VEHICLE – an object used for transporting people or goods on land using an external source of power such as a trailer or similar.

Section 302.4

Is amended to read as follows: Section 302.4 Weeds. – pg. 20 Premises and exterior property shall be maintained free from weeds or plant growth as provided by Article 11-08 of the Fargo Municipal Code.

303.2.1 Fence or Barrier height and clearances. – pg. 21

Is amended to read as follows: Barrier heights and clearances shall be in accordance with all the following:

The top of the barrier shall be not less than 48 inches above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 4 feet measured horizontally from the outside of the pool or spa to the inside of the required barrier.

The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the pool or spa.

The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches (102 mm) where measured on the side of the required barrier that faces away from the pool or spa.

Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed 4 inches (102 mm).

303.2.2 Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

303.2.3 Solid barrier surfaces. Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

303.2.4 Mesh fence as a barrier. Mesh fences, other than chain link fences in accordance with **Section 303.2.7**, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:

The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.

The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than 4 inches (102 mm) from grade or decking.

The fence shall be designed and constructed so that it does not allow passage of a 4-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not be more than 4 inches (102 mm) from grade or decking.

An attachment device shall attach each barrier section at a height not lower than 45 inches (1143 mm) above grade. Common attachment devices include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eye-type latch incorporating a spring-actuated retaining lever such as a safety gate hook.

Where a hinged gate is used with a mesh fence, the gate shall comply with Section 303.2.10.

Patio deck sleeves such as vertical post receptacles that are placed inside the patio surface shall be of a nonconductive material.

Mesh fences shall not be installed on top of on-ground residential pools.

303.2.4.1 Setback for mesh fences. The inside of a mesh fence shall be not closer than 48 inches (1219 mm) to the nearest edge of the water of a pool or spa.

303.2.5 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143

mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1³/₄ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1³/₄ inches (44 mm) in width.

303.2.6 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 1³/₄ inches (44 mm).

303.2.7 Chain link dimensions. The maximum opening formed by a chain link fence shall be not more than 2 inches (50.8 mm). Where the fence is provided with slats fastened at the top and bottom which reduce the openings, such openings shall be not more than 2 inches (50.8 mm).

303.2.8 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not more than 1³/₄ inches (44 mm). The angle of diagonal members shall be not greater than 45 degrees (0.79 rad) from vertical.

303.2.9 Clear zone. Where equipment, including pool equipment such as pumps, filters and heaters, is on the same lot as a pool or spa and such equipment is located outside of the barrier protecting the pool or spa, such equipment shall be located not less than 36 inches (914 mm) from the outside of the barrier.

303.2.10 Doors and gates. Doors and gates in barriers shall comply with the requirements of Sections 303.3.11 through 303.2.13 and shall be equipped to accommodate a locking device. Pedestrian access doors and gates shall open outward away from the pool or spa, shall be self-closing and shall have a self-latching device.

303.2.11 Utility or service doors and gates. Doors and gates not intended for pedestrian use, such as utility or service doors and gates, shall remain locked when not in use.

303.2.12 Double or multiple doors and gates. Double doors and gates or multiple doors and gates shall have not fewer than one leaf secured in place and the adjacent leaf shall be secured with a self-latching device.

303.2.13 Latch release. For doors and gates in barriers, the door and gate latch release mechanisms shall be in accordance with the following:

Where door and gate latch release mechanisms are accessed from the outside of the barrier and are not of the self-locking type, such mechanism shall be located above the finished floor or ground surface at residential pools and spas, not less 54 inches (1372 mm).

Where door and gate latch release mechanisms are of the self-locking type such as where the lock is operated by means of a key, an electronic opener or the entry of a combination into an integral combination lock, the lock operation control and the latch release mechanism shall be located above the finished floor or ground surface at residential pools and spas, at not greater than 54 inches (1372 mm).

Where the only latch release mechanism of a self-latching device for a gate is located on the pool and spa side of the barrier, the release mechanism shall be located at a point that is at least 3 inches (76 mm) below the top of the gate.

303.2.14 Barriers adjacent to latch release mechanisms. Where a latch release mechanism is located on the inside of a barrier, openings in the door, gate and barrier within 18 inches (457 mm) of the latch shall not be greater than ½ inch (12.7 mm) in any dimension.

303.2.15 Structure wall as a barrier. Where a wall of a dwelling or structure serves as part of the barrier and where windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor, doors and gates shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017.

Exception: An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by an alarm that produces an audible warning when the window, door or their screens are opened.

303.2.16 On-ground residential pool structure as a barrier. An on-ground residential pool wall structure or a barrier mounted on top of an on-ground residential pool wall structure shall serve as a barrier where all the following conditions are present:

Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 303.2 and the pool manufacturer allows the wall to serve as a barrier.

Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 303.2.

Ladders or steps used as means of access to the pool are capable of being secured, locked or removed to prevent access except where the ladder or steps are surrounded by a barrier that meets the requirements of Section 303.

Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4-inch (102 mm) diameter sphere.

Barriers that are mounted on top of on-ground residential pool walls are installed in accordance with the pool manufacturer's instructions.

303.2.17 Natural barriers. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa.

303.2.18 Natural topography. Natural topography that prevents direct access to the pool or spa area shall include but not be limited to mountains and natural rock formations. A natural barrier approved by

the governing body shall be acceptable provided that the degree of protection is not less than the protection afforded by the requirements of Sections 303.2 through 303.2.16.

Section 304.14

Is hereby amended to read as follows:

Section 304.14 Insect screens. - pg. 22

During the period from April 1 to October 31 of each year, every door, window, and other outside opening required for ventilation of habitable rooms, for food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25mm), every screen door used for insect control shall have a self-closing device in good working condition.

Section 307

Is hereby amended to read as follows:

307.1 General Handrails. – pg. 25

Stairs having four or more_risers shall have a handrail on one side of the stair-

307.1.1 Height. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

307.2 Guards. – pg. 25

Is hereby amended to read as follows:

Guards shall be provided along open-sided walking surfaces, including balconies, porches, decks, stairs, ramps and landings that are more than 30 inches (762 mm) above the floor or grade below.

Exception: Guards shall not be required where exempted by the adopted building code.

307.2.1 Height. Guards shall be not less than 30 inches (762 mm) high.

309.6 Pest Elimination. – pg. 25

Is hereby amended to read as follows: Licensed contractor required for extermination of insects and vermin in rental properties.

405 – Daycare Occupancy Limitations

Is hereby amended to read as follows: SECTION 405 HOME DAY CARE OCCUPANCY

405.1 General. – pg. 28

This section shall apply to a home day care operated within a dwelling. It is to include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians or relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.

Section 405.2 DEFINITION Section 405.2.1General.

The following term shall, for the purposes of this appendix, have the meaning shown herein.

EXIT ACCESS. That portion of a means-of-egress system that leads from any occupied point in a building or structure to an exit.

Section 405.3 MEANS OF EGRESS

Section 405.3.1 Exits required.

Two exits are required from a home day care. Exits shall comply with Section R318.

405.3.1.1 Exit access prohibited.

An exit access from the area of day care operation shall not pass through bathrooms, bedrooms, closets, garages, fenced rear yards or similar areas.

Exception:

An exit may discharge into a fenced yard if the gate or gates remain unlocked during day care hours. The gates may be locked if there is an area of refuge located within the fenced yard and more than 50 feet (15 240 mm) from the dwelling. The area of refuge shall be large enough to allow 5 square feet (0.5 m2) per occupant.

405.3.1.2 Basements.

If the basement of a dwelling is to be used in the day care operation, two exits are required from the basement regardless of the occupant load. One of the exits may pass through the dwelling and the other shall lead directly to the exterior of the dwelling. An emergency and escape window used as the second means of egress from a basement shall comply with **Sections R319 and BD103.1.1**.

405.3.1.3 Yards.

Yards to be used as part of the day care operation it shall be fenced.

405.3.1.3.1 Type of fence and hardware.

The fence shall be of durable materials and be not less than 4 feet (1529 mm) tall, completely enclosing the area used for the day care operations. Each opening shall be a gate or door.

405.3.1.3.2 Construction of fence.

Openings in the fence, wall or enclosure required by this section shall have intermediate rails or an ornamental pattern that do not allow a sphere 4 inches (102 mm) in diameter to pass through. In addition, the following criteria must be met:

1. The maximum vertical clearance between grade and the bottom of the fence, wall or enclosure shall be 2 inches (51 mm).

2. Solid walls or enclosures that do not have openings, such as masonry or stone

walls, shall not contain indentations or protrusions, except for tooled masonry joints.

3. Maximum mesh size for chain link fences shall be 2 inches square,

unless the fence has slats at the top or bottom that reduce the opening to not

more than 2 inches. The wire shall be not less than 9 gage [0.148 inch (3.8mm)].

405.3.2 Width and height of an exit.

The minimum width of a required exit is 36 inches (914 mm) with a net clear width of 32 inches (813 mm). The minimum height of a required exit is 6 feet 8 inches (2032 mm).

405.3.3 Type of lock and latches for exits.

Regardless of the occupant load served, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

405.3.4 Landings.

Landings for stairways and doors shall comply with Section R318, except that landings shall be required for the exterior side of a sliding door where a home day care is being operated in a Group R-3 occupancy.

405.4 SMOKE DETECTION

405.4.1 General.

Smoke detectors shall be installed in dwelling units used for home day care operations. Detectors shall be installed in accordance with the approved manufacturer's instructions. If the current smoke detection system in the dwelling is not in compliance with the currently adopted code for smoke detection, it shall be upgraded to meet the currently adopted code requirements and Section BD103 before day care operations commence.

405.4.2 Power source.

The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Required smoke detectors shall be interconnected such that if one detector is activated, all detectors are activated.

405.4.3 Location.

A detector shall be located in each bedroom and any room that is to be used as a sleeping room, and centrally located in the corridor, hallway or area giving access to each separate sleeping area. Where the dwelling unit has more than one story, and in dwellings with basements, a detector shall be installed on each story and in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that where the lower level contains a sleeping area, a detector shall be installed on each level. Where sleeping rooms are on the upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms or sleeping areas exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.

Section 602.3

Is hereby amended to read as follows:

602.3 Heat supply. – pg. 31

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 September 15th to June 1st maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exception: In older structures where the original design of the heating system operating at full capacity is unable to achieve the minimum temperature required, the system shall be deemed adequate when approved by the Building Official.

Section 602.4

Is hereby amended to read as follows:

602.4 Occupiable work spaces. - pg. 31

Indoor occupiable work spaces shall be supplied with heat during the period from September 15thto June 1st to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

2024 IECC

Commercial

Chapter 1

Section C101.1 Title - pg. 18

Is hereby amended to read as follows:

R101.1 Title. This code shall be known as the *Energy Conservation Code* of <u>the city of Fargo</u>, and shall be cited as such. It is referred to herein as "this code".

SECTION C103 CODE COMPLIANCE AGENCY - pg. 19

Is hereby amended to read as follows:

C103.1 Creation of enforcement agency. The Inspections Department is hereby created and the official in charge thereof shall be known as the authority having jurisdiction (AHJ). The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

Section C105.6.2 Compliance documentation – pg. 20

Delete #3 in its entirety.

Chapter 4

Section C405.12 Automatic receptacle control function – pg.156 Is hereby deleted in its entirety.

Section C405.13 Energy monitoring - pg. 157 Is hereby deleted in its entirety.

Section C405.15 Renewable energy systems - pg. 159 Is hereby deleted in its entirety.

Section C406.1.2 Additional renewable and load management credit requirements – pg. 162 Is hereby deleted in its entirety.

Section C406.3 Renewable and load management credits achieved – pg. 183 Is hereby deleted in its entirety.

Chapter 5

Section C502.3.8 Renewable energy systems – pg. 222 Is hereby deleted in its entirety.

2024 IECC Residential

Chapter 1

Section R101.1

Is hereby amended to read as follows:

R101.1 Title. This code shall be known as the Energy Conservation Code of <u>the city of Fargo</u>, and shall be cited as such. It is referred to herein as "this code".

Chapter 4

Table R402.1.2

Is hereby amended to read as follows:

Maximum Assembly U-Factors and Fenestration Requirements					
Climate Zone	###	6	###		
Vertical Fenestration <i>U</i> -Factor	###	0.28 <u>0.32</u>	###		
###	###	###	###		
Wood-Framed Wall <i>R</i> -Value ^{e, h}	###	0.045 <u>0.057</u>	###		
###	###	###	###		
Basement Wall <i>R</i> -Value ^{b, e}	###	0.050 <u>0.059</u>	###		
Unheated Slab R-Value & Depth ^e	###	0.66	###		

(balance of table remains the same.)

Table R402.1.2

Is hereby amended to read as follows:

Insulation Minimum <i>R</i> -Values and Fenestration Requirements by Component					
Climate Zone	###	6	###		
Vertical Fenestration U-Factor	###	0.30 <u>0.32</u>	###		
###	###	###	###		
Wood-Framed Wall <i>R</i> -Value ^{e, h}	###	30 or 20 & 5ci or 13 & 10 ci or 0 & 20 ci <u>21 or 13 & 5 ci</u>	###		
###	###	###	###		
Basement Wall <i>R</i> -Value ^{b, e}	###	15 ci or 19 or 13 & 5 ci <u>15 or 10 ci</u>	###		
Unheated Slab <i>R</i> -Value & Depth ^e	###	10ci, 3 ft	###		

(balance of table remains unchanged)
Table R402.5.1.1

Is hereby amended as follows:

Air Barrier, Air Sealing and Insulation Installation					
Component	Air Barrier Criteria	Insulation Installation Criteria			
Basement <u>,</u> Crawl Space and Slab Foundations	(Text Unchanged)	(Additional Text Being Added): <u>Exterior foundation insulation shall be covered and</u> <u>flashed to protect it from exposure to light and</u> <u>weather to a minimum of 6 inches (152 mm) below</u> <u>grade and be covered by a minimum 6-mil</u> <u>polyethylene slip sheet over the entire surface.</u>			

(balance of table remains unchanged)

Section R403.6.3 Testing.

Is hereby deleted in its entirety.

Section R404.2 Interior Lighting Controls.

Is hereby deleted in its entirety.

Section R404.3 Exterior Lighting Controls.

Is hereby deleted in its entirety.

Table R406.5 is hereby amended as follows:

Maximum Energy Rating Index				
Climate Zone	Energy Rating Index Not Including OPP	Energy Rating Index Including OPP		
###	###	###		
6	53 <u>58</u>	43 <u>48</u>		

(balance of table remains unchanged)

2024 IMC

101.1 Title – pg. 11

These regulations shall be known as the Mechanical Code of <u>The City of Fargo</u>, 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 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 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 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 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.

701.3 Attic Space – pg. 97

Attic space shall not be used for combustion air.

Section 908.5 is hereby amended to read as follows:

908.5 Water supply. Cooling towers, evaporative coolers and fluid coolers shall be provided with an approved water supply, sized for peak demand. The quality of water shall be provided in accordance with the equipment manufacturer's recommendations. The pipong system and protection of the potable water supply system shall be installed as required by the North Dakota State Plumbing Code.

1208.1 General – pg. 138

New hydronic piping systems shall be isolated and tested hydrostatically at no less than 100 psi (689 kPa). The duration of each test shall be not less than 15 minutes.

2024 IFGC

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 lesson 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 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 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 mm2 /kW) of total input rating of all appliances in the enclosure.

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 and shall have a minimum free area of 1 square inch per 3,000 Btu/h (734 mm2 /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. 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 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.

411.2 Manufactured home connections pg. 102

Manufactured homes shall be connected to the distribution piping system by listed and labeled connectors in compliance with ANSI Z21.75/CSA 6.27 and installed in accordance with the manufacturer's insturctions.

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 IEBC

101.1 Title – pg. 13

Existing amendment

These regulations shall be known as the existing building code of The City of Fargo. Hereinafter referred to as "this code".

103.1 Creation of Agency – pg. 14 Existing amendment

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.

104.2.4.1 Flood hazard areas - pg.15

Is hereby deleted in its entirety.

104.8 Liability – pg. 16

Existing Amendment

This code shall not be construed to relieve from or lesson 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.

105.2 Work exempt from permit – pg. 17

Existing amendment

Building: **** <u>7 Reroofing</u> 8 Window replacement

109.3.3 Lowest floor elevation – pg. 20

Is hereby deleted in its entirety.

109.3.10 Flood hazard documentation – pg. 21

Is hereby deleted in its entirety.

201.3 Terms defined in other codes pg. 25

Existing Amendment

Where terms are not defined in this code and are defined in the other International Codes, such terms shall have the meanings ascribed to them in those codes.

Wherever the term "International Plumbing Code" and/or the "International Private Sewage Disposal Code" is used it shall mean the North Dakota State Plumbing Code. Wherever the term "ICC Electrical Code" is used, it shall mean the National Electric Code together with the North Dakota State wiring Standards. Wherever the term "Flood Hazard Area" is used, it shall mean the Fargo Flood Plain Management ordinance together with the Flood Proofing Code of the City of Fargo North Dakota.

401.3 Flood hazard area – pg. 34

Is hereby deleted in its entirety.

405.2.6 Flood hazard area – pg. 34 Is hereby deleted in its entirety.

502.2 Flood hazard areas – pg. 37 Is hereby deleted in its entirety.

503.2 Flood Hazard areas – pg. 39 Is hereby deleted in its entirety.

507.3 Flood Hazard areas – pg. 43 Is hereby deleted in its entirety.

701.3 Flood Hazard areas – pg. 46

Is hereby deleted in its entirety.

1103.3 Flood Hazard areas – pg. 73

Is hereby deleted in its entirety.

1201.4 Flood Hazard areas – pg. 75

Is hereby deleted in its entirety.

1301.1.3 Flood Hazard areas – pg. 79

Is hereby deleted in its entirety.

1401.2 Conformance – pg. 92

Buildings to be moved within this jurisdiction shall comply with provisions of this chapter. Buildings to be moved into this jurisdiction shall comply with the provisions of the International Codes for new buildings and shall be certified as to meet compliance by an agency approved by the code official.

1402.3 Flood hazard areas – pg. 92

Is hereby deleted in its entirety.

2024 IFC

Proposed Amendments to the 2024 International Fire Code

- Section 101.1 is 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."
- Section 103.1 is 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.
- 3. Section 104.8 is 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.

- 4. Section 105.5.1 is hereby deleted in its entirety.
- 5. Table 105.5.9 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.)
- 6. Section 105.5.14 is hereby deleted in its entirety.
- 7. Section 105.5.15 is hereby deleted in its entirety.
- 8. Section 105.5.18 Subsection 2 is hereby amended in part to read as follows:
 2. To store, handle or use Class 1<u>A</u> liquids in excess of 5 <u>30</u> gallons, <u>Class 1B liquids in excess of 60 gallons</u>, <u>Class 1C liquids in excess of 90 gallons</u> (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:
- 9. Section 105.5.18 Subsection 3 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.
- 10. Section 105.5.19 is hereby deleted in its entirety.
- 11. Section 105.5.25 Subsections 1, 5, and 6 of are hereby deleted in their entirety.
- 12. Section 105.5.33 is hereby deleted in its entirety.
- 13. Section 105.5.34 is hereby deleted in its entirety.
- 14. Section 105.5.35 Motor fuel-dispensing facilities is hereby deleted in its entirety.

15. Section 105.5.38 is 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.

- 16. Section 105.5.40 Outdoor assembly event. Is hereby deleted in its entirety.
- 17. Section 105.5.42 Plant extraction systems is hereby deleted in its entirety
- Section 105.5.46 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 <u>containing more than 30 pounds of Group A3, B2, or B3 refrigerant.</u>
- Section 105.5.47 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.
- 20. Section 105.5.51 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 (37m²) for the purposes of assembly.
- 21. Section 105.5.55 is hereby deleted in its entirety.
- 22. Section 105.5.56 is hereby deleted in its entirety
- 23. Section 105.5.57 is hereby deleted in its entirety.
- 24. Section 105.6.3 is hereby deleted in its entirety.
- 25. Section 105.6.6 is hereby deleted in its entirety.
- 26. Section 105.6.8 is hereby deleted in its entirety.
- 27. Section 105.6.11 is hereby deleted in its entirety.
- 28. Section 105.6.12 is hereby deleted in its entirety.
- 29. Section 105.6.13 is hereby deleted in its entirety.
- 30. Section 105.6.14 is hereby deleted in its entirety.
- 31. Section 105.6.16 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.

- 32. Section 105.6.17 is hereby deleted in its entirety.
- 33. Section 105.6.18 is hereby deleted in its entirety.
- 34. Section 105.6.19 is hereby deleted in its entirety.
- 35. Section 105.6.20 is hereby deleted in its entirety.
- 36. Section 105.6.21 is hereby deleted in its entirety.
- 37. Section 105.6.22 is hereby deleted in its entirety.
- 38. Section 105.6.24 is hereby deleted in its entirety.
- 39. Section 105.6.25 is hereby deleted in its entirety.
- 40. Section 106.4 is hereby amended 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.

41. Section 113.4 is 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.

- 42. Section 203.4.2 is hereby 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.
- 43. Section 203.4.2.2 is hereby amended to read as follows:

203.4.2.2 Five <u>Twelve</u> or fewer children. A facility having five <u>twelve</u> or fewer children receiving such day care shall be classified as part of the primary occupancy.

- Section 203.4.2.3 is hereby 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.
- 45. Section 203.7.4 is hereby 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

- 46. Section 203.7.4.1 is hereby 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.
- 47. Section 203.7.4.3 is hereby amended to read as follows:
 203.7.4.3 Five <u>Twelve</u> or fewer persons receiving care. A facility having five <u>twelve</u> or fewer persons receiving custodial care shall be classified as part of the primary occupancy.
- 48. Section 203.7.4.4 is hereby amended to read as follows:
 Section 203.7.4.4 Five <u>Twelve</u> or fewer persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit having five <u>twelve</u> or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.
- 49. Section 304.1.1 is amended to read as follows:
 304.1.1 Valet trash. Valet trash collection shall <u>not</u> be permitted. <u>Trash and recycling materials</u> <u>shall not be placed in the corridor of Group R occupancies</u>. only where approved. The owner and valet trash collection service provider shall comply with the rules and limitations established by the jurisdiction.
- 50. Section 307.1.1 is 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. <u>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.</u>

51. Section 308.3 is 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.

52. Section 503.4 is amended to read as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and 503.2.2 shall be maintained at all times.
 Enforcement of such prohibited parking may be accomplished in the same manner as regulations contained in Article 8-10 and in Section 9-0705 of the Fargo Municipal Code.

53. Section 507.5.4 Obstruction is amended to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. <u>An approved hydrant marker shall be installed immediately adjacent to the rear of the hydrant.</u>

- 54. Section 806.1.1 is amended by adding the following exception:
 3. For purposes of this provision, churches shall not be deemed public buildings and may utilize natural or resin bearing cut trees in the altar area of the church. No electric lighting is allowed on the tree.
- 55. Section 903.3.1 is amended to read as follows:
 903.3.1 Standards. Automatic sprinkler systems shall be designed with a 5 psi safety margin and installed in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 and other chapters of this code, as applicable.
- 56. **Section 903.3.1.1.1 Exempt locations** is amended by adding the following exception: <u>6. Elevator machine room and machinery spaces</u>. Where sprinklers are not installed in elevator <u>machine rooms</u>, shunt trip required in accordance with IBC 3005.5 shall not be installed.
- 57. Section 903.3.5 Water Supplies is amended to read as follows: 903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code. For connections to public waterworks systems, the water supply

test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official. <u>Underground water supply piping shall be constructed of a material allowed by Fargo Municipal Code Chapter 16 and Chapter 22 and shall be allowed to extend into the building through the slab or wall not more than 24 inches.</u>

- 58. Section 907.8.3 is hereby deleted in its entirety.
- 59. Section 1009.8.1 is hereby amended to read as follows:

1009.8.1 System requirements. Two-way communication systems shall provide communication between each required location and the fire command center or a central control point location *approved* by the fire department. Where the central control point is not constantly attended, a two-way communication system shall have a timed automatic telephone dial-out capability that provides two-way communication with an *approved* supervising station or emergency services. The two-way communication system shall include both audible and visible signals. Systems shall be listed in accordance with UL 2525 and installed in accordance with NFPA 72.

- 60. Section 1011.1 Exceptions are hereby amended to read as follows:
 - <u>1.</u> Within rooms or spaces used for assembly purposes, stepped *aisles* shall comply with Section 1030.
 - 2. A stairway complying with section 1011 except where in a B, F, M, S or U that serves an area of 750 sf or less, and is not open to the public, that has a maximum riser height of 8 inches and a minimum tread depth of 9 inches, has a minimum width of 36 inches and has at least one handrail that terminates at the top and bottom riser and otherwise complies with section 1014.
- 61. **Exception 3, 6 of Section 1011.5.2** is amended in part to read as follows:

3. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be 7 ½ inches (197 mm) 8 inches; the minimum tread depth shall be 10 inches (254 mm) 9 inches;

6. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a maximum 8 inch riser height and minimum 9 tread depth.

- 62. Section 1103.2 is hereby deleted in its entirety.
- 63. Section 1103.5.1 is hereby deleted in its entirety.
- 64. **Section 1103.5.3** is hereby deleted in its entirety.
- 65. **Section 1103.5.4** is hereby deleted in its entirety.
- 66. Section 2303.1 is amended by adding the following Subsection 7:

7. On new installations, dispensing devices used to fill portable containers with home heating fuels shall not be located on the same island where Class I liquids are dispensed.

- 67. Section 2306.1 is amended to read as follows:
 2306.1 General. Storage of flammable and combustible liquids shall be in accordance with Chapter 57 and Sections 2306.2 through 2306.6.3. See also Fargo Municipal Code, Section 9-0604.
- 68. Section 3107.2 General is amended to read as follows:

3107.2 General. Outdoor assembly events <u>with planned attendance exceeding 1,000 people</u> shall be in accordance with this section and Section 403.11. Temporary structures erected for outdoor assembly events shall comply with this chapter.

69. Section 3303.1 is amended to read as follows:

3303.1 Program development and maintenance. The *owner* or *owner's* authorized agent shall be responsible for the development, implementation and maintenance of an *approved*, written *site safety plan* establishing a fire prevention program at the project site applicable throughout all phases of the construction, repair, *alteration* or demolition work. <u>When required by the fire code official</u>, the plan shall be submitted and *approved* before a building permit is issued,

70. Section 4104.2 is amended to read as follows:

4104.2 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies <u>or decks</u> or within 10 feet (3048 mm) of combustible construction.

Exceptions:

- 1. One- and two-family *dwellings*.
- 2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.
- LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds [nominal 1 pound (0.454 kg) 47.8 pounds [nominal 20 pounds (9 kg) LP-gas capacity].

71. Section 5704.2.9.6.1 is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as set forth in the fire code adoption ordinance or other regulation adopted by the jurisdiction. Above-ground tanks, with a capacity exceeding 660 gallons in individual capacity or 1,320 gallons in aggregate capacity, outside of buildings shall be installed only in areas zoned industrial or limited industrial and shall be located at least 300 feet from all non-industrial zoned districts.

Exception: Above-ground tanks containing a class II liquid directly connected to a fuel burning appliance shall not exceed 1,320 gallons in all non-industrial zoned districts.

Above-ground tanks used for dispensing outside of buildings in all non-industrial zoned districts shall not exceed 660 gallons in individual capacity or 1,320 gallons in aggregate capacity, and shall be *listed* and *labeled* as protected above-ground tanks in accordance with UL 2085.

- 72. **Section 5704.2.13.1.4** is amended by adding the following Subsection 7 to: 7. Site assessment is required to determine if there are any spills, leaks, or discharge from the tank system. Records of site assessment shall be kept on the site of tank location.
- The exception to Section 5705.3.7.5.1 is amended to read as follows:
 Exception: <u>1.</u> Where natural ventilation can be shown to be effective for the materials used, dispensed or mixed.

2. When approved by the chief, continuous ventilation may be provided for one complete air change per hour, if supplemented with mechanical ventilation designed to provide for a complete air change six times per hour. The non-continuous ventilation equipment and any lighting fixtures shall be operated by the same switch located outside of the door.

- 74. Section 5806.2 is amended to read as follows: 5806.2 Limitations Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as set forth in the fire code adoption ordinance or other regulation adopted by the jurisdiction. <u>Stationary containers shall be</u> installed only in areas zoned industrial or limited industrial and shall be located at least 300 feet from all non-industrial zoning districts.
- 75. Section 6103.2.1.6 is amended to read as follows:
 6103.2.1.6 Use with self-contained torch assemblies. Portable LP-gas containers are allowed to be used to supply *approved* self-contained torch assemblies or similar appliances. Such containers shall not exceed a water capacity of 2½ pounds (1 kg) 12 pounds.
- 76. Section 6104.2 is amended to read as follows: 6104.2 Maximum capacity within established limits. For the protection of heavily populated or congested areas, storage of liquefied petroleum gas shall not exceed an aggregate capacity in any one installation of 2,000 gallons (7570 L) within the limits established by law as set forth in the fire code adoption ordinance or other regulation adopted by the jurisdiction. Unprotected tanks with a water capacity exceeding 2,000 gallons shall be installed only in areas zoned industrial or limited industrial and shall be located at least 300 feet from all non-industrial zoning districts.
- 77. Appendix B **"Fire-Flow Requirements for Buildings"** is adopted and enacted in its entirety.
- 78. Appendix C **"Fire Hydrant Locations and Distribution"** is adopted and enacted in its entirety.
- 79. Appendix D **"Fire Apparatus Access Roads"** is adopted and enacted in its entirety.
- 80. D103.1 is hereby deleted in its entirety.

There was some discussion about the flood proof construction details. Shawn shared that City of Fargo has adopted more restrictive flood provisions than what the code provides so we adopt those out. Justin asked about there being some FEMA updates in the works as well as the BIA working with them on some things and asked why there is just one engineer of record. Shawn replied that FEMA requires there be an engineer of record so we have to follow that. Clay talked about the current buttress system that has been approved and widely used. Being that has been approved and as long as builders us that, they wouldn't need to hire an engineer to design something else which would help keep costs down. Justin suggested that as this system is getting revamped, it might be worth looking into getting other details approved so that individual projects wouldn't need to hire engineers each time they didn't want to use the buttress system. Shawn shared that if we want to make changes, the process that FEMA has in place is very involved and takes a long time. The hope is that once the diversion goes in and is complete, that a lot of these provisions could be walked back and maybe even disappear all together.

Brian Berg made a motion that they approve the amendments as presented, including the flood provisions, with the additional language in there that provides additional protection. Motion was seconded by Mark Lundberg. No one was in opposition and the motion was declared carried.

New Business

a) Appeal: Arch D Design, LLC/Scott Dahms for 1617 8 St S, Fargo.

Scott Dahms, owner of Arch D Design, presented an overview of his appeal asking that the correction notice issued on this project be reversed or set aside. His main points of reference being:

- city approved construction detail
- failure to raise issues during inspections
- email confirms fan-fold products may be approved
- widespread local use of product
- lack of inspection protocol and precedent
- no building wrap was ever on site and photographic documentation supports timeline.

He provided the following information to the board to support his appeal:

Before the Board of Appeals of the City of Fargo

\$150 filing fee must accompany this form

Arch Appeals of (Owner/Interested Parties): PH 617 Property Address:

What specific violations are you appealing and what material facts do you have to support your objection? (Attach additional pages as necessary)

SEE Attachen

What relief do you seek, and why do you feel that the finding should be reversed, modified, or otherwise set aside? (Attach additional pages as necessary)

See Attachen

This appeal must be filed with the Fargo Inspections Department within 20 days of the date on your notification of the violations. The Inspector who performed the original inspection will present this appeal at the next meeting of the Board of Appeals, not less than 10 and not more than 60 days from the date below. You will be notified by mail in advance of the date, time, and place of the meeting. Any orders to correct violations that are appealed on this form will be stayed until the Board of Appeals has made its ruling.

We require that the signatures of all interested parties, along with their respective mailing addresses, be affixed to this appeal. Please attach an additional page as necessary to include all those participating in the appeal.

Name: Scott Dahms	Address: 11649 1232 Ave 50
Signature:	- Sabin, MU 56580
Interest: Confractor	
T 11/1 / / /	a of the truth of the metters stated shows by at least one of the

In addition, it is necessary that there be a verification of the truth of the matters stated above by at least one of these parties. Please be advised that such a signature will be considered a declaration under penalty of perjury.

Name:	Scott Dahms			Date:	4/15	125
Signature:_	Æ					
Interest:	Contractor	Scott	Edahn	isdes	ign.	com

These requirements are made in accordance with Chapter 1 of the International Property Maintenance Code, as adopted in Article 31 of the Fargo Municipal Code.

Re: Correction Notice Appeal – Permit No. 2405-48-ADD / Myer Residence – 1617 8th Street South

To Whom It May Concern,

I am submitting this statement as part of the appeal process in response to the Correction Notice issued on March 31, 2025, regarding the Myer Residence project at 1617 8th Street South, Fargo (Permit No. 2405-48-ADD). As the project's architect, I respectfully request reconsideration of the citation concerning the underlayment installed beneath the siding.

The approved construction drawings, submitted to the City on May 26, 2024, clearly specify fan-fold insulation in Detail 1 on Sheet A-1.0. The detail does not indicate or reference a building wrap. These plans were reviewed and approved by the City. Based on that approval, our team proceeded with construction using the approved wall assembly.

On April 14, 2025, Mr. Ouradnik stated via email that fan-fold products may be approved if tested and documented by the manufacturer, and that approval should occur either at the permitting stage or during field inspection before siding installation. In this case, the assigned inspector visited the project several times while the underlayment was fully visible and never raised any issues. At no point was there a building wrap on site. If there were concerns about its absence—or if approval of the fan-fold insulation required documentation or an in-field review—those questions should have been raised when correction would have been simple and non-invasive.

The current correction appears reactive, coming only after siding was completed. This creates significant confusion, as the approved detail suggested compliance and field visits indicated no concerns. The process for evaluating underlayment compliance should be clear and consistently enforced. In 15 years as a licensed contractor in Fargo, I have never once been required to schedule an underlayment inspection, nor have my peers. If the standard now being applied is to be enforced, it must be applied citywide—not selectively and retroactively.

I respectfully request clarification and reconsideration regarding the underlayment issue, given the permit-approved documents, lack of timely communication, and the precedent set by prior inspections.

Sincerely, Scott Dahms, Architect

Statement of Relief Requested Permit No. 2405-48-ADD / Myer Residence – 1617 8th Street South

Submitted by: Scott Dahms, Architect

What relief I seek:

I respectfully request that the Correction Notice issued on March 31, 2025, concerning the underlayment material installed beneath the siding at the Myer Residence, be officially reversed or withdrawn. I ask that the City recognize the wall assembly as compliant based on the construction documents submitted, the City's own permitting and approval process, and the visible, documented timeline of inspections and construction progress.

Why the findings should be reversed or set aside:

City-Approved Construction Detail

The underlayment used on this project—fan-fold insulation—was clearly indicated on Detail 1 of Sheet A-1.0, which was submitted on May 26, 2024. This detail did not show a building wrap and made no reference to one. The City reviewed and approved the drawing set without comment or request for clarification. If the proposed wall assembly was considered non-compliant, it should have been identified at that stage, not after construction was completed.

Failure to Raise Issues During Inspections

The City's own field inspector visited the job site on at least five separate occasions: July 24, September 17, September 20, December 5, and December 9, 2024. On multiple visits, the underlayment was fully exposed and plainly visible. At no time did the inspector raise concerns, flag the material, or request supporting product documentation. These repeated opportunities to inspect and correct the issue were missed.

Email Confirms Fan-Fold Products May Be Approved

In a follow-up email from Mr. Ouradnick, dated April 14, 2025, he acknowledged that fanfold products may be code-compliant when tested and approved by manufacturers. He also stated that approval may occur during field inspection—yet that approval process never occurred despite ample opportunity during multiple site visits.

Widespread Local Use of the Product

The product used is readily available, widely installed, and frequently visible throughout the Fargo metro area. I have documented its use across numerous active construction sites. If this product is indeed non-compliant under current standards, then the City has a broader obligation to address its use citywide—not retroactively penalize a single residence following an approved permit.

Lack of Inspection Protocol and Precedent

In my 15 years as a licensed contractor in Fargo, I have never once been asked to schedule or participate in an inspection of underlayment for a siding project. Conversations with other professionals in the field confirm that this standard has not been enforced or requested by the Inspections Department. If enforcement now hinges on inspection of underlayment materials, then the process must be formally implemented and communicated—moving forward, not backward.

No Building Wrap Was Ever On Site

It is important to note that there was never any building wrap present on the site. If a wrap was expected, its absence from the detail and from the job site should have prompted immediate questions from the City. That it did not suggests either approval by omission or oversight—both of which are the City's responsibility under its permitting process.

Photographic Documentation Supports Timeline

I have assembled and submitted a comprehensive photo record, clearly showing the underlayment exposed during various stages of construction, corresponding to the inspector's visits. These images reinforce that this was not a hidden or rushed installation. The process was transparent and visible at all times.

Conclusion and Justification for Relief:

The foundation of any correction or enforcement action must be fairness, clarity, and consistency. In this case, the City approved a construction detail that clearly specified the material now being challenged. Its field representatives failed to raise objections when the opportunity existed. The product is not an obscure or unusual one—it is widely used. And there is no historical precedent in the local construction industry for enforcing underlayment inspection on siding permits.

Given these facts, it is clear that the citation is not only unfair but also unsupported by the City's own permitting process and inspection record. Therefore, I respectfully request that the correction be reversed in full, or at minimum, set aside in recognition of the City's prior approval and the absence of procedural clarity.

Sincerely, Scott Dahms, Architect



Overview

A listing of the key features of the permit. To print this information, use the button below.



Description

New second story addition placed on top of existing main floor addition. Other improvements include new asphalt roof, siding and windows. Two-level covered deck with engineered piers to exstend 5' west beyond existing building and covered deck to be constructed over north end of existing rear addition. Ensure addition does not close off any existing egress windows or required exterior openings for the dwelling. All interior remodel permits require smoke detectors and carbon monoxide detectors to be installed per currently adopted building code. Ensure that all required side, front and rear yards are maintained. All work to comply with all applicable requirements of the City of Fargo including the 2021 Fargo Building Code.

Details

Name	Value
Garage	False
Carport	False
Siding	True
Porch	True
Fireplace	False
Deck	True
Remodel / Repair	True
Work Performed By	Contractor
Foundation Type	Floodproof
Below Grade Construction	Crawl Space
Construction Material	Frame
Dwelling Units (DU) Added	
Contact Name	Scott A Dahms
Contact Type	Architect
Business Associated With	Arch D Design, LLC
Contact Phone Number	7013065729
Contact Email	scott@dahmsdesign.com
LOMR	False
Project Costs	100000.00
Number of Floors	2
1st Floor Area (ft ²)	
2nd Floor Area (ft ²)	260.00

Name	Value
3rd Floor and Above Area (ft ²)	
Basement Area Finished (ft²)	
Total Basement Area (ft ²)	
Flood Protection Elevation (FPE)	
Total Construction Area (ft ²)	260.00
Roof Material	Asphalt Shingles
Electrical Work	Yes - by Contractor
Gas Piping Work	No
Heating or Air Conditioning Work	Yes - by Contractor
Plumbing Work	Yes - by Contractor
Fire Sprinkler System Type	
Attached to Primary Structure	True
Covered	True
Deck Dimensions	25x10
Deck Height (inches) Ground to Deck Floor	14
Decking Material	Wood
Deck Area (ft²)	250
Covered	True
Porch Area (ft²)	100.00
Porch Maximum Height from Ground to Floor (ft)	10.00
Porch Maximum Height from Ground to Eave (ft)	9.00
Existing Foundation	True
Foundation Type	Engineered
Siding Area	All
Type of Siding	Engineered Wood
Description of Siding Area	entire house

Value

Status Information

Name	Complete	Date
Application Submittal	Yes	5/26/2024 11:12:53 AM
Completeness Review	Yes	5/30/2024 1:50:24 PM
Staff Review	Yes	5/30/2024 2:08:12 PM
Returned for Revisions	Yes	5/30/2024 2:09:03 PM
Resubmission	Yes	6/28/2024 9:01:25 AM
Staff Review	Yes	6/28/2024 9:01:28 AM
Returned for Revisions	Yes	6/28/2024 9:01:41 AM
Resubmission	Yes	7/3/2024 3:27:24 PM
Staff Review	Yes	7/3/2024 3:27:25 PM
Approval	Yes	7/3/2024 3:27:49 PM
Issuance	Yes	7/3/2024 3:27:51 PM
Finalize	No	

Fees		
Туре	Amount	Paid
Building	\$563.76	Yes
Reviews		
Division	Status	Reviewer
Inspections	Revisions Needed	Melissa Gaulrapp
Inspections	Revisions Needed	Melissa Gaulrapp
Inspections	Complete / Approved	Melissa Gaulrapp

Review Comments

Division	Status	Comment
Inspections	Resolved	SheetS1.0 shows piers supporting the deck and the roof above. Please provide the design from the engineer, either with a digital signature from the designer or a stamped and signed sheet.
Inspections	Resolved	Please provide details on the construction of the deck where it overhangs the existing addition. Are you intending to use I-joists in this area, as well?
Inspections	Resolved	Please provide a roof truss detail packet for this project or specifics on the size(s) of your roof joists.
Inspections	Resolved	How will you achieve the required wall bracing at the outside corners of the second floor addition?

Inspections

Туре	Date	Status	Inspection Items
Footing	7/24/2024	Failed	
Framing	9/17/2024	Failed	
Framing	9/20/2024	Failed	
Framing	3/31/2025	Failed	
Energy / Insulation	12/5/2024	Failed	
Energy / Insulation	12/9/2024	Failed	
Energy / Insulation	2/27/2025	Passed	
Energy / Insulation	3/31/2025	Failed	
Energy / Insulation	4/21/2025	Scheduled	
Final Building		Unscheduled	
Rough Electrical	10/8/2024	Passed	
Final Electrical		Unscheduled	
Waste and Vent		Unscheduled	
Waste and Vent	10/14/2024	Failed	
Final Plumbing		Unscheduled	
Rough Mechanical	2/28/2025	Passed	
Final Mechanical	2/28/2025	Passed	

Name

Arch D Design LLC

License

49615A



Re: Response to Correction Notice – Permit No. 2405-48-ADD / Myer Residence – 1617 8th Street South

 Shawn Ouradnik <SOuradnik@fargond.gov>
 Mon, Apr 14 at 1:28 PM

 To: Scott Dahms <scott@dahmsdesign.com>
 Cc: Melissa Gaulrapp <MGaulrapp@fargond.gov>, Christine Rose <CRose@fargond.gov>, Dillon Riemann

 <DRiemann@fargond.gov>

Mr. Dahms,

The International Building Code (IBC) is used for residential structures that are three dwelling units or more the International Residential Code (IRC) is used for one and two family dwellings units.

In any case this product was not approved, the plan shows that a "1/4" fanfold insulation behind new lap siding" is used. There are fanfold products on the market that are approved because the manufacturer had them tested and approved. We did not have this specific product documentation at the time of permitting so we would need to see the product in the field before the siding was installed to approve a product. As soon as we were aware of the product being used we informed you the product was not approved for that use. The information we used to make this determination came from the manufacture of the product.

[Quoted text hidden]

Photo Attachment – Inspector Site Visit Documentation

Inspection Date: August 23, 2024



View of west wall near front porch, fan-fold insulation exposed and visible.

Inspection Date: August 23, 2024

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Southeast view of building, partial fan-fold exposure under progress.

Inspection Date: September 11, 2024



Full south wall view, fan-fold insulation fully installed.

Inspection Date: September 11, 2024



Alternate angle of south wall showing ongoing work and open areas.

Inspection Date: September 14, 2024



Front elevation with fan-fold applied, no building wrap present.

Inspection Date: September 19, 2024



Rear wall showing full coverage of fan-fold insulation.



Side and rear view showing uniform installation of fan-fold board.

Inspection Date: September 25, 2024



East-facing gable view with lift in place, insulation fully visible.

Inspection Date: September 25, 2024



Rear elevation after continued construction, insulation intact.

Inspection Date: October 10, 2024



Front elevation with cedar accent siding partially installed.

Inspection Date: October 16, 2024



Left elevation view with completed lap siding and partial underlayment exposed.

Inspection Date: October 28, 2024



Right elevation under active construction, siding in progress.
Inspection Date: October 28, 2024



Back and side wall view with lap siding and fan-fold insulation still visible.

Inspection Date: October 30, 2024



Rear elevation with cedar siding installed on lower level.

Inspection Date: October 31, 2024



Wide view of home with mixed materials in place during final siding stages.

Inspection Date: November 4, 2024



Driveway view showing east and south elevations mostly complete.

Inspection Date: December 29, 2024



Rear elevation showing deck framing over snow and finished exterior siding. Fan-fold insulation visible around the rear door where the inspector enters the house, no building wrap is present.

Shawn presented the city's position which included:

- 703.2 in IRC requires a water resistive barrier be installed.
- through talks with Owens Corning about the fanfold product, they said this product cannot be used in place of a house wrap or weather barrier; anywhere this product was installed, there needs to be a weather barrier installed underneath it.
- Pictures provided by Scott, shows felt on the building and it would be a weather barrier. When the city asked Scott and the homeowner about it, no confirmation was ever given that it was left in place so the assumption had to be that it is not there.
- The city is asking that the board upholds what we are asking for as well as the manufacturer. We cannot violate the manufacturer's installation practices, nor can we violate the code. We have to have underlayment installed where there is no underlayment at this point. The option was given, if they can provide proof that the underlayment is on the original part of the house, we are good with that and only the addition would need to be resided and underlayment added.
- As far as the fanfold being installed correctly, Scott did install it correctly but the underlayment step was missed. When talking to Owens, they did state that there are fanfold products that out there that are approved and don't need the weather barrier step, but the one used here is not.

He submitted the following information to the board to support the city's stance:



INSPECTIONS

INSPECTIONS DEPARTMENT Fargo City Hall 225 Fourth Street North Fargo, ND 58102 Phone: 701.241.1561 | Fax: 701.476.6779 FargoND.gov

Memorandum

DATE:	May 1, 2025
TO:	Board of Appeals
FROM:	Shawn Ouradnik, Inspections Director
SUBJECT:	Appeal for 1617 8 St S

The property at 1617 8 St S in Fargo ND has a permit with the description of:

"New second story addition placed on top of existing main floor addition. Other improvements include new asphalt roof, siding and windows. Two-level covered deck with engineered piers to exstend 5' west beyond existing building and covered deck to be constructed over north end of existing rear addition. Ensure addition does not close off any existing egress windows or required exterior openings for the dwelling. All interior remodel permits require smoke detectors and carbon monoxide detectors to be installed per currently adopted building code. Ensure that all required side, front and rear yards are maintained. All work to comply with all applicable requirements of the City of Fargo including the 2021 Fargo Building Code."

During the inspection process for this addition the contractor provided the inspections department with documentation for Ownes Corning FANFOLD foam residing board for the exterior of the home. While investigating the product and corresponding with the manufacture it was brought to our attention that the product must be used in conjunction with a weather barrier. The weather barrier must be placed under the FANFOLD product before siding can be installed over the FANFOLD product. The entire house, with the exception of the addition, had been resided with the FANFOLD product but did not have the required weather barrier underneath it. This was brought to the attention of the contractor and he was asked to install the required weather barrier as stipulated by the manufacturer and IRC section R703.2.

The recommendation is to uphold the Inspections Department interpretation that the manufactures specifications and IRC section 703.2 must be followed for the Ownes Corning FANFOLD product.



Inspections Department 225 4th Street North Fargo, ND 58102 (701) 241-1561

CORRECTION NOTICE Notice and Order of the Building Official

Monday, March 31, 2025

Arch D Design LLC 11649 123 Ave S Sabin, MN 56580 Arch D Design LLC 11649 123 Ave S Sabin, MN 56580

RE: 1617 8 St S, Permit 2405-0848-ADD

Arch D Design LLC: An inspection at the above address revealed the following code violations:

Түре	ITEM	COMMENT LOC	ATION
Framing	Notching	Notching for wires need nail plates	1 st Floor rear addition
Framing	Siding	Siding has gaps and is not sealed properly.	Rear of home
Framing	Siding	No weather barrier under siding	Entire exterior of home
Energy/Insul ation	Insulation	Insulation improperly installed. Insulation is not adhering and has gaps throughout. No vapor barrier.	1 st and 2 nd floor of addition area
Foundation	Piers	Updated engineered drawings for piers is required	Rear of home

When they have been addressed, please call and make arrangements for a re-inspection. If you fail to correct the violation by the stated deadline, the matter may be turned over to the City Attorney for action.

You are further notified that the Fargo Building Code provides an appeal procedure. Any person aggrieved by any decision of any order, requirement, decision or determination made by any member of the staff of the city shall have the right to appeal to the board. Application forms for the Board of Appeals are available at the City Hall, 225 4th Street North.

If you have any questions, please call **701-241-1561** or contact me via the online permit portal at **Permits.fargoND.gov**.

Sincerely,

Riemanna

Dillon Riemann Residential Building Inspector

WALL COVERING

	CONTINUOUS INSULATION WITH CLASS II VAPOR RETARDER	
CLIMATE ZONE	CLASS II VAPOR RETARDERS PERMITTED FOR:4	
3	Continuous insulation with R -value ≥ 2 .	
4, 5 and 6	Continuous insulation with <i>R</i> -value ≥ 3 over 2 × 4 wall. Continuous insulation with <i>R</i> -value ≥ 5 over 2 × 6 wall.	
7	Continuous insulation with <i>R</i> -value ≥ 5 over 2 × 4 wall. Continuous insulation with <i>R</i> -value ≥ 7.5 over 2 × 6 wall.	
8	Continuous insulation with <i>R</i> -value \geq 7.5 over 2 × 4 wall. Continuous insulation with <i>R</i> -value \geq 10 over 2 × 6 wall.	

DI E D703 7/4)

a. The requirements in this table apply only to insulation used to control moisture in order to permit the use of Class II vapor retarders. The insulation materials used to satisfy this option also contribute to but do not supersede the thermal envelope requirements of Chapter 11.

SECTION R703 EXTERIOR COVERING

R703.1 General. Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described in Section R703.4.

Exception: Log walls designed and constructed in accordance with the provisions of ICC 400.

R703.1.1 Water resistance. The exterior wall envelope shall be designed and constructed in a manner that prevents the accumulation of water within the wall assembly by providing a water-resistant barrier behind the exterior cladding as required by Section R703.2 and a means of draining to the exterior water that penetrates the exterior cladding.

Exceptions:

- 1. A weather-resistant exterior wall envelope shall not be required over concrete or masonry walls designed in accordance with Chapter 6 and flashed in accordance with Section R703.4 or R703.8,
 - Compliance with the requirements for a means 2. of drainage, and the requirements of Sections R703.2 and R703.4, shall not be required for an exterior wall envelope that has been demonstrated to resist wind-driven rain through testing of the exterior wall envelope, including joints, penetrations and intersections with dissimilar materials, in accordance with ASTM E331 under the following conditions:
 - 2.1. Exterior wall envelope test assemblies shall include at least one opening, one control joint, one wall/eave interface and one wall sill. All tested openings and penetrations shall be representative of the intended end-use configuration.
 - 2.2. Exterior wall envelope test assemblies shall be at least 4 feet by 8 feet (1219 mm by 2438 mm) in size.

- 2.3. Exterior wall assemblies shall be tested at a minimum differential pressure of 6.24 pounds per square foot (299 Pa).
- 2.4. Exterior wall envelope assemblies shall be subjected to the minimum test exposure for a minimum of 2 hours.

The exterior wall envelope design shall be considered to resist wind-driven rain where the results of testing indicate that water did not penetrate control joints in the exterior wall envelope, joints at the perimeter of openings penetration or intersections of terminations with dissimilar materials.

R703.1.2 Wind resistance. Wall coverings, backing materials and their attachments shall be capable of resisting wind loads in accordance with Tables R301.2.1(1) and R301.2.1(2). Wind-pressure resistance of the siding, soffit and backing materials shall be determined by ASTM E330 or other applicable standard test methods. Where wind-pressure resistance is determined by design analysis, data from approved design standards and analysis conforming to generally accepted engineering practice shall be used to evaluate the siding, soffit and backing material and its fastening. All applicable failure modes including bending rupture of siding, fastener withdrawal and fastener head pull-through shall be considered in the testing or design analysis. Where the wall covering, soffit and backing material resist wind load as an assembly, use of the design capacity of the assembly shall be permitted.

R703.2 Water-resistive barrier. Not fewer than one layer of water-resistive barrier shall be applied over studs or sheathing of all exterior walls with flashing as indicated in Section R703.4, in such a manner as to provide a continuous water-resistive barrier behind the exterior wall veneer. The water-resistive barrier material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of the exterior wall envelope as described in Section R703.1. Water-resistive barrier materials shall comply with one of the following:

- No. 15 felt complying with ASTM D226, Type 1.
- 2. ASTM E2568, Type 1 or 2.

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Capyright in 2020 HTC. ALL REGETS RESERVED: Accessed by Shawn Consulnik (SContainik@FaqjoND.gov), (City of Mandam) Order Number #1033/83/976 on Roy 22, 2021 12:17 PM (PST) part ant to License September 200 NA. ACCOUNTLY MARKED ACCOUNT AND ADDRESS 3. ASTM E331 in accordance with Section R703.1.1.

Other approved materials in accordance with the manufacturer's installation instructions.

No.15 asphalt felt and *water-resistive barriers* complying with ASTM E2556 shall be applied horizontally, with the upper layer lapped over the lower layer not less than 2 inches (51 mm), and where joints occur, shall be lapped not less than 6 inches (152 mm).

R703.3 Wall covering nominal thickness and attachments. The nominal thickness and attachment of exterior wall coverings shall be in accordance with Table R703.3(1), the wall covering material requirements of this section, and the wall covering manufacturer's installation instructions. Cladding attachment over foam sheathing shall comply with the additional requirements and limitations of Sections R703.15 through R703.17. Nominal material thicknesses in Table R703.3(1) are based on a maximum stud spacing of 16 inches (406 mm) on center. Where specified by the siding manufacturer's instructions and supported by a test report or other documentation, attachment to studs with greater spacing is permitted. Fasteners for exterior wall coverings attached to wood framing shall be in accordance with Section R703.3.3 and Table R703.3(1). Exterior wall coverings shall be attached to cold-formed steel light frame construction in accordance with the cladding manufacturer's installation instructions, the requirements of Table R703.3(1) using screw fasteners substituted for the nails specified in accordance with Table R703.3(2), or an approved design.

R703.3.1 Soffit installation. Soffits shall comply with Section R704.

R703.3.2 Wind limitations. Where the design wind pressure exceeds 30 psf or where the limits of Table R703.3.2 are exceeded, the attachment of wall coverings and soffits shall be designed to resist the component and cladding loads specified in Table R301.2.1(1) for walls, adjusted for height and exposure in accordance with Table R301.2.1(2). For the determination of wall covering and soffit attachment, component and cladding loads shall be determined using an effective wind area of 10 square feet (0.93 m²).

R703.3.3 Fasteners. Exterior wall coverings and roof overhang soffits shall be securely fastened with aluminum, galvanized, stainless steel or rust-preventative coated nails or staples in accordance with Table R703.3(1) or with other *approved* corrosion-resistant fasteners in accordance with the wall covering manufacturer's installation instructions. Nails and staples shall comply with ASTM F1667. Nails shall be T-head, modified round head, or round head with smooth or deformed shanks. Staples shall have a minimum crown width of 7/₁₆ inch (11.1 mm) outside diameter and be manufactured of

101183976

R703.3.4 Minimum fastener length and penetration. Fasteners shall have the greater of the minimum length specified in Table R703.3(1) or as required to provide a minimum penetration into framing as follows:

ing in accordance with either the siding manufacturer's

installation instructions or Table R703.3.3.

- Fasteners for horizontal aluminum siding, steel siding, particleboard panel siding, wood structural panel siding in accordance with ANSI/APA-PRP 210, fiber-cement panel siding and fiber-cement lap siding installed over foam plastic sheathing shall penetrate not less than 1¹/₂ inches (38 mm) into framing or shall be in accordance with the manufacturer's installation instructions.
- Fasteners for hardboard panel and lap siding shall penetrate not less than 1¹/₂ inches (38 mm) into framing.
- Fasteners for vinyl siding and insulated vinyl siding installed over wood or wood structural panel sheathing shall penetrate not less than 11/4 inches (32 mm) into sheathing and framing combined. Vinyl siding and insulated vinyl siding shall be permitted to be installed with fasteners penetrating into or through wood or wood structural sheathing of minimum thickness as specified by the manufacturer's instructions or test report, with or without penetration into the framing. Where the fastener penetrates fully through the sheathing, the end of the fastener shall extend not less than 1/4 inch (6.4 mm) beyond the opposite face of the sheathing. Fasteners for vinyl siding and insulated vinyl siding installed over foam plastic sheathing shall be in accordance with Section R703.11.2. Fasteners for vinyl siding and insulated vinyl siding installed over fiberboard or gypsum sheathing shall penetrate not less than $1^{1/4}$ inches (32 mm) into framing.
- Fasteners for vertical or horizontal wood siding shall penetrate not less than 1¹/₂ inches (38 mm) into studs, studs and wood sheathing combined, or blocking.
- Fasteners for siding material installed over foam plastic sheathing shall have sufficient length to accommodate foam plastic sheathing thickness and to penetrate framing or sheathing and framing combined, as specified in Items 1 through 4.

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Shawn Ouradnik

From:	
Sent:	
To:	
Subject:	e

GETTECH (Owens Corning) <GETTECH@owenscorning.com> Monday, February 10, 2025 9:54 AM Shawn Ouradnik; GETTECH (Owens Corning) RE: FanFold

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Shawn,

The FanFold product would not act as a weather resistive barrier and a house wrap would need to be used. Our other Foamular NGX products with seams taped with our JointSealR or HomeSealR tape would act as a weather resistive barrier and could be used in place of house wrap.

If you have any questions let us know.

Alicia Zeiler

Product Technical Specialist Customer Solutions | GETTECH Team P: 1-800-Get-Pink (438-7465) GETTECH@owenscorning.com



OWENS CORNING

One Owens Corning Parkway Toledo, OH | 43659-0001 | United States www.owenscorning.com



y in

From: Shawn Ouradnik <SOuradnik@FargoND.gov> Sent: Monday, February 10, 2025 9:01 AM To: GETTECH (Owens Corning) <GETTECH@owenscorning.com> Subject: RE: FanFold

Alicia,

Thank you for the information. Can this product be used in place of the house wrap?

Shawn Ouradnik

Inspections Director City of Fargo, Inspections Department D 701.476.4147 F 701.476.6779 SOuradnik@FargoND.gov

City of Fargo 225 4th Street North Fargo, ND 58102



From: GETTECH (Owens Corning) <<u>GETTECH@owenscorning.com</u>> Sent: Monday, February 10, 2025 7:10 AM To: Shawn Ouradnik <<u>SOuradnik@FargoND.gov</u>> Cc: GETTECH (Owens Corning) <<u>GETTECH@owenscorning.com</u>> Subject: RE: FanFold

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Shawn,

Thank you for contacting Owens Corning. There is no need to tape the top or bottom of the FanFold Residing Board. The purpose of the board is to provide a smooth surface to install siding over. It is a perforated board and will not act as an air barrier even if the product is taped.

If you have any questions let us know.

Alicia Zeiler Product Technical Specialist Customer Solutions | GETTECH Team P: 1-800-Get-Pink (438-7465) <u>GETTECH@owenscorning.com</u>



OWENS CORNING

One Owens Corning Parkway Toledo, OH | 43659-0001 | United States www.owenscorning.com





From: Answers.Insulation <<u>Answers.Insulation@owenscorning.com</u>> Sent: Friday, February 7, 2025 2:57 PM To: Shawn Ouradnik <<u>SOuradnik@FargoND.gov</u>> Subject: RE: FanFold

Hi Shawn,

Unfortunately, I am unable to locate the appropriate information to properly answer your question at this time. I have escalated your concern to our Product Specialist. You should expect a reply by email within 1-2 business days.

Thank you,

Kara Customer Solutions Agent Strategic Marketing | Customer Solutions P: 1.800.GETPINK (438-7465)

OWENS CORNING One Owens Corning Parkway Toledo, OH | 43659-0001 | United States www.owenscorning.com

From: SOuradnik@FargoND.gov

Sent: Friday, February 7, 2025 2:50 PM

To: Answers.Insulation@owenscorning.com

Subject: RE: FanFold

Does this product need to be taped at the seams? Does this product need to be sealed at the bottom or left open?

Shawn Ouradnik

Inspections Director

City of Fargo, Inspections Department.

D 701.476.4147

F 701.476.6779

SOuradnik@FargoND.gov

City of Fargo

225 4th Street North

Fargo, ND 58102



From: Answers.Insulation <<u>Answers.Insulation@owenscorning.com</u>> Sent: Friday, February 7, 2025 9:48 AM To: Shawn Ouradnik <<u>SOuradnik@FargoND.gov</u>> Subject: RE: FanFold

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hello Shawn,

The install instructions are listed on the data sheet.

Install Guidance: (in addition to what is noted on the Data Sheet)

- 3 fasteners should be installed vertically every two feet (in the creases) ensuring one is in the center of the panel and evenly spacing the other two.
- To make installation easier start with one in top left corner, then extend the panels out, level and use one fastener to tack in place then fill in the rest of the fasteners. If the cladding will not be installed right away add some fasteners to ensure the Fanfold will stay in place.

Here is additional information on tape for Foamular:

Taping the Joints of Foamular Boards:

Foamular Tape Product Selection Guide

JointSealR Tape

- Recommended for residential or commercial applications
- Owens Corning® JointSealR® Foam Joint Tape is the recommended product to tape the joints
 of FOAMULAR® Extruded Polystyrene (XPS) Insulation to create a continuous air barrier.
- . 3.5" wide
- Data Sheet
- Warranty

HomeSealR

- Recommended for residential applications only
- Owens Corning[™] HomeSealR[™] Foam Joint Tape is an effective product to tape the joints of FOAMULAR® extruded polystyrene (XPS) board in residential vertical wall applications when it is used as continuous insulation over steel or wood wall framing, or as masonry cavity wall insulation.
- 3" wide
- Data Sheet
- Warranty

JointSealR and HomeSealR are very similar products. JointSealR is a wider tape at 3.5" and HomeSealR is 3" wide. JointSealR is designed to be used in residential and commercial applications and HomeSealR is designed for residential applications

Flashing Tape:

FlashSealR Tape

- Owens Corning[™] FlashSealR Foam Flashing Tape is a durable, flexible and tear resistant self-adhering flashing tape recommended for use with FOAMULAR® Extruded Polystyrene (XPS) Sheathing products in residential and commercial construction applications to seal around window and door openings.
- Data Sheet
- Warranty

If you have any other questions, please feel free to call 1-800-GET-PINK (438-7465) or reply to this email.

Best Regards,

Kara

Customer Solutions Agent Strategic Marketing | Customer Solutions P: 1.800.GETPINK(438-7465) OWENS CORNING One Owens Corning Parkway Toledo, OH | 43659-0001 | United States www.owenscorning.com

From: SOuradnik@FargoND.gov

Sent: Friday, February 7, 2025 10:41 AM

To: Answers.Insulation@owenscorning.com

Subject: RE: FanFold

Thank you for the information. I need the installation instructions for the product. Specifically how is this product taped at the seams, the top, and the bottom of the installation?

Shawn Ouradnik

Inspections Director

City of Farge, Inspections Department-

D 701.476.4147

F 701.476.6779

SOuradnik@FargoND.gov

City of Fargo

225 4th Street North

Fargo, ND 58102



From: Answers.Insulation <<u>Answers.Insulation@owenscorning.com</u>> Sent: Friday, February 7, 2025 9:28 AM To: Shawn Ouradnik <<u>SOuradnik@FargoND.gov</u>> Subject: FanFold

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hello Shawn,

Thank you for contacting Owens Corning.

FANFOLD foam residing board is a thin perforated, extruded polystyrene foam board faced on one side with a plastic film facer and combines proven XPS foam technology with a unique design to enhance the application of new or replacement siding. **Physical Properties:**

- R-value: R-1 (1/4" thick)
- Compressive Strength: 8 psi

Service Temperature: 165° Fahrenheit

Recommended Applications:

 FANFOLD foam residing board is generally intended for application as a backer board for residing applications where it provides a flat uniform surface for the application of new siding products during remodeling for use in residential and commercial exterior wall construction.

Applications not recommended for FanFold:

- Flooring Underlayment
 - .
 - FanFold is not designed or tester for use as a flooring underlayment.
- Weather Resistive Barrier
 - •
 - FanFold even with taped seams has not been tested as a weather resistive barrier

Install Guidance: (in addition to what is noted on the Data Sheet)

- 3 fasteners should be installed vertically every two feet (in the creases) ensuring one is in the center of the panel and evenly spacing the other two.
- To make installation easier start with one in top left corner, then extend the panels out, level and use one fastener to tack in place then fill in the rest of the fasteners. If the cladding will not be installed right away add some fasteners to ensure the Fanfold will stay in place.

I have attached the data sheet for additional information.

If you have any other questions, please feel free to call 1-800-GET-PINK (438-7465) or reply to this email.

Best Regards,

Kara

Customer Solutions Agent Strategic Marketing | Customer Solutions P: 1.800.GETPINK(438-7465) OWENS CORNING One Owens Corning Parkway Toledo, OH | 43659-0001 | United States www.owenscorning.com

From: no-reply@owenscorning.com

Sent: Friday, February 7, 2025 10:23 AM

To: answers.insulation@owenscorning.com

Subject: Owens Corning Contact Form

The following inquiry came from the Owens Corning web site:

Business:	Insulation - Residential
Name:	Shawn Ouradnik
Company:	City of Fargo
Zip:	58104
Email:	SOuradnik@FargoND.gov
Periodic	No
Updates:	
C	Lam looking for the install

Comments: I am looking for the installation instructions for the FANFOLD FOAM RESIDING BOARD used in a new build. I am specifically looing to the information on how to seal the bottom of the system. I have a contractor that is telling me it needs so weep moisture out and is not supposed to be sealed at the bottom plate. Any information on installation or other documentation that can be provided will help me. Thank you.



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Shawn Ouradnik

From: Sent: To: Subject: Shawn Ouradnik Thursday, February 13, 2025 10:52 AM 'Scott Dahms' RE: 1617 8 St S Fargo ND

Scott,

I received your call. I understand the product information has that information in it but the correspondence I received from the manufacture clearly says that a house wrap in needed in conjunction with this product. The siding will need to be removed and a house wrap will need to be installed under the fanfold product you have used. We will check for compliance when we inspect the framing, as we do with other permits like I explained to you on our call earlier this morning. As it stands we do not have a passed framing inspection for this property so when you have completed the repairs call for a framing inspection before you side the addition. I have not received any information from the insulation company yet so I am still waiting for that before we address the interior of the structure. In addition there are outstanding issues that the inspector flagged and asked to see before they were covered so we will need to have the sheetrock removed to address those issues.

Please respond to this email if you have any other questions.

Thank you,

Shawn Ouradnik Inspections Director City of Fargo, Inspections Department

D 701.476.4147 F 701.476.6779 Sõuradnik@FargoND.gov

City of Fargo 225 4th Street North Fargo, ND 58102



From: Scott Dahms <scott@dahmsdesign.com> Sent: Wednesday, February 12, 2025 4:16 PM To: Shawn Ouradnik <SOuradnik@FargoND.gov> Subject: Re: 1617 8 St S Fargo ND CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Shawn,

Can you please forward to me a few things:

correspondence person and documentation from OC
 city of Fargo sheet on proper siding system make up
 city of Fargo inspection protocol for siding.

Any questions please let me know. Thank you.

Scott A. Dahms, NCARB Architect. Builder. Consultant. 701.306.5729

×	

On Wed, Feb 12, 2025 at 2:29 PM Shawn Ouradnik <<u>SOuradnik@fargond.gov</u>> wrote:

Scott,

I corresponded with Owens Coning about the product information you sent to me. Unfortunately that product cannot be used in place of house wrap. I did check with my plan reviewer and inspectors to see if we had approved this product in the past ad we were not able to find an instance that we had. We will need to have a house wrap put on under the siding for this project. You do not need to remove the fanfold product so the house wrap can be placed on top of it on under the siding.

Please let us know when you can get this accomplished before you reside the addition so we can see that it has been done.

Thank you,

Shawn Ouradnik

Inspections Director

City of Fargo, Inspections Department

D 701.476.4147

F 701.476.6779

SOuradnik@FargoND.gov

City of Fargo

225 4th Street North

Fargo, ND 58102



From: Scott Dahms <<u>scott@dahmsdesign.com</u>> Sent: Thursday, February 6, 2025 3:28 PM To: Shawn Ouradnik <<u>SOuradnik@FargoND.gov</u>> Subject: Re: <u>1617 8 St S Fargo ND</u>

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Shawn,

Attached is the cutsheet for the fanfold insulation. I've also provided a link to the manufacturers website.

| Owens Corning Insulation

I've never come across any installation instructions that would require the bottom of the panel to be taped because if water did get in the wall somehow it would not have the ability to weep out of the system.

If you have any questions or if you need anything else please let me know. Thank you.

Scott A. Dahms, NCARB

Architect. Builder. Consultant.

701.306.5729

On Thu, Feb 6, 2025 at 2:54 PM Shawn Ouradnik <<u>SOuradnik@fargond.gov</u>> wrote:

Scott,

As we discussed on the call we had on February 6 at 2:50 pm we have spoken to a local representative of Retrofoam and asked them to provide us the information on the foam insulation product that was used for this project. We have asked them to provide installation instructions and documentation to prove that this product can be used in the manner they installed it. I have also spoken to the home owner of the property and informed him of the same information. We need you to provide information and installation instructions you used on the exterior of the addition in place of the house wrap. If you can respond to this email with that information or bring in the information to our office we would appreciate it.

Thank you,

Shawn Ouradnik

Inspections Director

City of Fargo, Inspections Department

D 701.476.4147

F 701.476.6779

SOuradnik@FargoND.gov

City of Fargo

225 4th Street North

Fargo, ND 58102



Shawn Ouradnik

From: Sent: To: Subject: Attachments: Scott Dahms <scott@dahmsdesign.com> Thursday, February 6, 2025 3:28 PM Shawn Ouradnik Re: 1617 8 St S Fargo ND FanFold.pdf

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Shawn,

Attached is the cutsheet for the fanfold insulation. I've also provided a link to the manufacturers website.

| Owens Corning Insulation

I've never come across any installation instructions that would require the bottom of the panel to be taped because if water did get in the wall somehow it would not have the ability to weep out of the system.

If you have any questions or if you need anything else please let me know. Thank you.

Scott A. Dahms, NCARB Architect. Builder. Consultant. 701.306.5729

x		

On Thu, Feb 6, 2025 at 2:54 PM Shawn Ouradnik <<u>SOuradnik@fargond.gov</u>> wrote:

Scott,

As we discussed on the call we had on February 6 at 2:50 pm we have spoken to a local representative of Retrofoam and asked them to provide us the information on the foam insulation product that was used for this project. We have asked them to provide installation instructions and documentation to prove that this product can be used in the manner they installed it. I have also spoken to the home owner of the property and informed him of the same information. We need you to provide information and installation instructions you used on the exterior of the addition in place of the house wrap. If you can respond to this email with that information or bring in the information to our office we would appreciate it.

Thank you,

Shawn Ouradnik

Inspections Director

City of Fargo, Inspections Department

D 701.476.4147

F 701.476.6779

SOuradnik@FargoND.gov

City of Fargo

225 4th Street North

Fargo, ND 58102





FANFOLD FOAM RESIDING BOARD

FANFOLD foam residing board is a thin, perforated, extruded polystyrene foam board faced on one side with a plastic film facer. It combines proven XPS foam technology with a unique design to enhance the application of new or replacement siding.

Features

- · Closed-cell, rigid, lightweight foam board
- · Smooth, even backing surface for fast and easy installation
- Large piece coverage and minimal joints installation reduces drafts and increases thermal comfort and energy efficiency
- Perforated construction provides air infiltration and liquid water
 resistance while permitting easy water vapor transmission
- · Polystyrene core and plastic film skin provide a tough, durable product
- Crush folded hinge at 24-inch intervals to ease handling and application at the job site

Applications

Re-Siding Application

Physical Properties

PROPERTY	TEST METHOD	14" FANFOLD
R-Value' (ft'•hr•F/Btu)	ASTM C518 (Modified)	1.0
Water Absorption, % by vol., max	ASTM C272	2.0
Water Vapor Permeance, perms, min	ASTM E96 (Procedure A)	1.0
Compressive Strength, psi, min	ASTM D1621 (Modified)	8
Flame Spread	ASTM E84/UL 723	10
Smoke Development	ASTM E84/UL 723	165
Maximum Service Temperature, °F		165

Product Availability

	THICKNESS	SIZE	WEIGHT (LBS)	EDGES	PALLET BUNDLE
FANFOLD Underlayment Board	¥*	4' x 50'	11	Square	45 Units

Installation Instructions

- To make installation easier, start with one in top left corner, then extend the panels out, level and use one fastener to tack in place, then fill in the rest of the fasteners. If cladding will not be installed right away, add enough fasteners to keep the FANFOLD in place.
- 3 fasteners should be installed vertically every two feet (in the creases), ensuring one is in the center of the panel and evenly spacing the other two.

Technical Information

- FANFOLD foam residing board lightweight bundles can be cut to fit with a common utility knife, thus saving labor costs.
- The faced side of the product shall be exposed to exterior weathering.
- The new siding material should be installed as soon as possible after FANFOLD foam residing board installation.
- FANFOLD foam residing boards should avoid prolonged exposure to sunlight.

Environmental and Sustainability

Owens Corning is a worldwide leader in building material systems, insulation, and composite solutions, delivering a broad range of highquality products and services. Owens Corning is committed to driving sustainability by delivering solutions, transforming markets, and enhancing lives. More information can be found at www.owenscorning.com.

Disclaimer of Liability

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Notes

For additional information, refer to the Safe Use Instruction Sheet (SUIS) found in the SDS Database via http://sds.owenscorning.com.

> OWENS CORNING FOAM INSULATION, LLC ONE OWENS CORNING PARKWAY TOLEDO, OH 43659 USA

> > 1-800-GET-PINK®

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Description

FANFOLD foam residing board combines proven XPS foam technology with a unique design to enhance the application of new or replacement siding.

Uses

FANFOLD foam residing board is a thin perforated, extruded polystyrene foam board faced on one side with a plastic film facer. FANFOLD has a crush folded hinge at 24-inch intervals to ease handling and application at the job site. FANFOLD foam residing board provides air infiltration resistance and liquid water protection for use in residential and commercial exterior wall construction. FANFOLD foam residing board is also perforated to permit water vapor to pass through the board to prevent the trapping of moisture within the structure. FANFOLD foam residing board is generally intended for application as a backer board for residing applications where it provides a flat uniform surface for the application of new siding products during remodeling.

Product Data Sheet

Typical Physical Properties

Property	Test Method	1/4" Product	1/6" Product
R-Value ¹ (ft ² •br•F/Rtu)	ASTM C.518 (Modified)	1.0	1.5
Water Absorption, % by vol., max	ASTM C 272	2.0	2.0
Water Vapor Permeance, perms, min	ASTM E 96 (Procedure A)	1.0	1.0
Compressive Strength, psi, min	ASTM D 1621 (Modified)	10	10
Flame Spread	ASTM E 84/UE 723	10	10
Smoke Development	ASTM E 84/UL 723	165	200-350
Maximum Service Temperature, 91		165	165

Product Availability

	Thickness	Width ²	Edges
Fanfold	·24*	4' × 50'	Square
Underlayment Board	1/8"	4' × 50'	Square

Samples aged for 180 days at laboratory conditions of 73 +/-2°F and 50% RH. Test conducted at 75°F mean temperature.

¹ Per UL-723 or ASTM E-84.

³ Hinged every 24 inches.

Product Attributes

- Closed –cell, rigid, lightweight foam board.
- Smooth, even backing surface for fast and easy installation of new siding.
- Large piece coverage and minimal joints installation reduces drafts, increased thermal comfort and energy efficiency.
- Perforated construction provides liquid water resistance while permitting easy water vapor transmission through the assembly.
- Polystyrene core and plastic film skin provides a tough, durable product that survives the construction environment.
- Meets Class I flamespread and smoke generation requirements.

Technical Data

- Material Extruded polystyrene core with a tough polystyrene film skin on one side.
- Sizes Available in 4' x 50' (200 ft²) bundle (folded sheets), ¼" or 3/8" thicknesses, folded every 2'.
- Weight Approximately II Ibs./bundle for the ¼" thickness and 15 lbs./bundle for the ³/₈" product.



FANFOLD Foam Residing Board



FANFOLD Foam Residing Board

Product Data Sheet

- Packaging ¼" product shipped in units of 45 bundles per pallet, ¾" product shipped in units of 30 bundles per pallet.
- Underwriters Laboratories Inc classified, See Classification Certificate U-350,

Installation Instructions

Easy to Handle and Install FANFOLD foam residing board is a lightweight foam insulation board that unfolds quickly to cover a 4 by 50 foot (200 square foot) area. The lightweight bundles can be cut to fit with a common utility knife, thus saving labor costs. The faced side of the product shall be exposed to exterior weathering. FANFOLD foam residing boards should avoid prolonged exposure to sunlight. The new siding material should be installed as soon as possible after FANFOLD foam residing board installation.

Caution: Like many construction materials, **FANFOLD** foam residing board is combustible. Do not expose the product to open flame during shipping, storage, installation or use. This product should be installed in accordance with applicable building codes.

Disclaimer of Liability

Technical information contained herein is furnished without charge or obligation and is given and accepted at recipient's sole risk. Because conditions of use may vary and are beyond our control. Owens Corring makes no representation about, and is not responsible or liable for the accuracy or reliability of data associated with particular uses of any product described herein. Nothing contained in this bulletin shall be considered a recommendation



OWENS CORNING FOAM INSULATION, LLC ONE OWENS CORNING PARKWAY TOLEDO, OHIO 43659 1-800-GET-PINK[®] www.owenscorning.com

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Shawn Ouradnik

From: Sent: To: Subject: Shawn Ouradnik Wednesday, February 12, 2025 2:30 PM 'Scott Dahms' RE: 1617 8 St S Fargo ND

Scott,

I corresponded with Owens Coning about the product information you sent to me. Unfortunately that product cannot be used in place of house wrap. I did check with my plan reviewer and inspectors to see if we had approved this product in the past ad we were not able to find an instance that we had. We will need to have a house wrap put on under the siding for this project. You do not need to remove the fanfold product so the house wrap can be placed on top of it on under the siding.

Please let us know when you can get this accomplished before you reside the addition so we can see that it has been done.

Thank you,

Shawn Ouradnik Inspections Director City of Fargo, Inspections Department

D 701.476.4147 F 701.476.6779 SOuradnik@FargoND.gov

City of Fargo 225 4th Street North Fargo, ND 58102



From: Scott Dahms <scott@dahmsdesign.com> Sent: Thursday, February 6, 2025 3:28 PM To: Shawn Ouradnik <SOuradnik@FargoND.gov> Subject: Re: 1617 8 St S Fargo ND

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Shawn,

Attached is the cutsheet for the fanfold insulation. I've also provided a link to the manufacturers website.

| Owens Corning Insulation

I've never come across any installation instructions that would require the bottom of the panel to be taped because if water did get in the wall somehow it would not have the ability to weep out of the system.

If you have any questions or if you need anything else please let me know. Thank you.

Scott A. Dahms, NCARB Architect. Builder. Consultant. 701.306.5729

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On Thu, Feb 6, 2025 at 2:54 PM Shawn Ouradnik <<u>SOuradnik@fargond.gov</u>> wrote:

Scott,

As we discussed on the call we had on February 6 at 2:50 pm we have spoken to a local representative of Retrofoam and asked them to provide us the information on the foam insulation product that was used for this project. We have asked them to provide installation instructions and documentation to prove that this product can be used in the manner they installed it. I have also spoken to the home owner of the property and informed him of the same information. We need you to provide information and installation instructions you used on the exterior of the addition in place of the house wrap. If you can respond to this email with that information or bring in the information to our office we would appreciate it.

Thank you,

Shawn Ouradnik

Inspections Director

City of Fargo, Inspections Department

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City of Fargo

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225 4th Street North

Fargo, ND 58102



Clay asked Shawn how overlapping of existing building code rules and new building code rules would affect this remodel project being there was the old portion of the home that was just resided and then the new construction of the addition. Shawn replied that when you have a project like this, you are required to bring it up to current codes. Existing codes are used more for large existing structures such as a large concrete building where there are two concrete load-bearing walls that can't be moved so you can't make the corridor larger for current code; the code gives allowances for those types of things. As far as this project, we did not look into existing building code because there was no need for it. Residing jobs can use the current underlayment as long as it was not damaged.

Justin clarified with Shawn that when you have an addition to an existing building, you don't need to bring the whole building up to code, do you. Shawn replied that the addition would need to be built as close to current code as it would allow with the old portion of the building; we do make allowances for that. In this case, though, they resided the whole entire house. If the weather barrier was in tact on the old part, we wouldn't require them to replace that.

Justin asked Scott what that the existing profile of the wall before it was torn down, what were the existing layers on the outside of the house. Scott replied that the existing building was studs, buffalo board, felt that was failing and came off as soon as the siding came off which was original redwood lap siding. By the time the inspector showed up, there was zero felt on the building, it was just black buffalo board and the inspector never said anything.

Justin asked Shawn if the felt had been on, would it have been ok. Shawn confirmed that if the felt had been there, it would have been acceptable.

Scott confirmed there is no felt on the building, just fan folding. Justin then asked if the buffalo board stayed and the insulation was put on top of that. Scott confirmed that was true.

Clay asked Scott if they required taping of the joints. Scott replied that yes, all the seams and corners are taped, anywhere there is a break. It was put on with plastic cap nails. It is not compromised except for the nails and then attaching the siding. The siding is LP Smart Side.

Clay spoke to the siding product that is it put on without J channels and things like that so it is caulked around windows and such to create the watershed. Scott replied that when he puts it on, it is run all the way to the eaves, around the windows and he will flash around all the jams, heads and sills.

Clay asked Shawn about his communication with Owens Corning, they have a few different products but this one hasn't been tested to be a watershed product but there some that are. Shawn replied that for this particular product, product information that was given to him by Scott, Owens Corning indicated that you cannot use this product in place of the water resistive barrier. You have to have the water resistive barrier there and then put this product on top of that. They do have two other products, that they indicated are similar so if we see a fanfold product, it is on the contractor to make sure that it is an approved product and that is it being installed correctly.
Kevin spoke to a document that was submitted and highlighted, just stating that fan fold insulation was going to be used. It doesn't say any more than that so it's a system installation that would be per manufacturer's requirements. He stated that he was a little bothered by the idea that we expect the building inspector to review a plan over a few hours or few days, that took weeks or months to be developed, and then try to make the argument that they approved the permit so they can't come back and enforce any of the details that are needed to be enforced. He also said that is sounds like Scott is saying that because they approved the plan, that makes it so you can't come back afterwards and do that. Ultimately, it is a vague note that just says fan fold insulation and what we are hearing is that there are multiple options with that. You take that, times every element in the building, and that's asking the building inspector to do way more than they probably be able to. He is not buying that argument.

Scott asked Kevin that he would like to know, in conjunction with that, what are you expecting from your siding contractor's to know in terms of their level of education and their products. Kevin replied that any contractor who installed a product, should know how to it relates to code. As an architect, it is really hard for us to know every product for every element that we specify. But for someone who is concentrating on, say concrete only or siding only, that they should be held to a little bit of a higher standard if they are going to be installing that product. Scott asked if they are really asking that the contractor to be completely honest with what they are doing because we know that is not going to be the case. He also shared that we live in an imperfect world, and if you are expecting the siding contractor to fully know the IRC and exactly what is going on and what products they are using. And asking the inspections department to come back to me, who was 100% honest, there was nothing that made me do this just to make a buck or anything. I do good work. You guys have seen my stuff around town. I've been published in papers and done this level of construction the whole time. Any siding contractor that you ask, will tell you that they never come out. All they do is come by, drive by and make sure the address number is on the building. That's their inspection. Essentially the fee they are charging for siding is a cash grab because they are not doing inspections what so ever. And then to tell me that they have zero responsibility in terms of what they approve in their office without raising any questions whatsoever. This is supposed to be a collaborative effort. This is not supposed to be contractor against the city because we know what happens when that does; people don't pull permits, people try to get by with stuff. This is supposed to be a team. And when they start pinpointing stuff against me when they don't ask the questions and now they are asking me, a team of one guy, I'm an architect and I'm a contractor, who has zero employees. I design this stuff. I don't sit in my office for weeks on end and enjoying my coffee and figuring these things out. We draw this detail up, we submit it to the city, the city has three times in house to approve this drawing, which they do. They raise zero questions about what that fanfold is when it could have easily be able to be looked up and figured out before the siding goes on. Now you are asking me, a team of one person, to rip off and replace \$60,000 worth of siding. I meticulously went through this house. I pulled off all the original redwood siding. I finished the redwood siding; flipped it around and recycled it and put it in. Every soffit on that house is redwood siding and it's not documented on my plans for the contract with the homeowner. As soon as this siding comes off, that house on your prestigious 8th Street, does not look the same. It looks like every crackerjack in town. You guys make the decision but this is a team. This is a team effort and the fact that they are coming after the fact and asking me to take \$50,000 out of my pocket to replace this stuff is ridiculous.

Brian stated the enforcement is the responsibility of city. They are responsible to enforce the code. Compliance is clearly the responsibility of the design professional. We tell our people all the time, don't rely on the code official to catch code violations. They are the double check. It is our responsibility as the design team to design to code. If there is ever an issue, if we are ever brought before a jury in a jury trial, the code official isn't going to be sitting there having our back. It's going to be us and it's going to be plaintiff. We always tell our people that it is our responsibility to design correctly. He asked Scott if he drew the detail. Scott replied that that was correct. So that detail showed fan fold insulation. There are multiple types of fan fold insulation. He asked Scott if there was a specification that went along with that. Scott relied no, it was a small project and he didn't submit that. Brian stated that a sheet spec on the drawing showing what type of fan fold insulation, if the intent was to use that as a weather barrier, then having that detail saying that this is the specific product that should be used. There's an assumption being that product is on there, and it's the only thing on there that it is acting as a weather barrier. It's clear from the correspondence from Owens Corning that that particular product that was used cannot be used as a weather barrier. If that's the case, then there either has to be a weather barrier there. If the code required a weather barrier, which it clearly does, then he doesn't see how there can be an argument that it can be left the way it is. Regardless of whether the code official caught it during their inspections or not, ultimately if that product fails and there is an issue and if there is a lawsuit that comes between you and your client, you wouldn't have any recourse. It is very clear that the product that is on there, is not a weather barrier. Given all of those things, how do you resolve that there is no weather barrier there at the end of the day. Scott said he doesn't disagree with Brian. What he does disagree with is who's responsibility it is at this point because he follows all of the rules.

Justin stated that Scott didn't follow the rules. It is your job as a contractor to follow the building code. You have to know them and he gets that Scott is a one-man contractor but is it your job to follow the residential codes. If you don't know it, then you shouldn't be a general contractor. You need to know the rules. It is your responsibility. The city can come through and catch the things but if you are going to be a general contractor, you have to know that code and your subs should now that as well. That's the facts around it. It's unfortunate. It's a bad situation. But you drew this up, between being the architect and the contractor, it is your responsibility to know what the building code says and follow it. That's just the facts. Scott then asked if they are going to retroactively go back through all the projects in town and do this. Justin stated no, that we are talking about this one project.

Brian stated that that would be a separate issue. Maybe a conversation should be had about this product. If this product is being used universally by people all over town and it's not being caught, and now it has been caught, it doesn't excuse the fact that it happened in this case. The fact that it may have happened many times in the past but now that they are aware of it, it won't happen in the future. Does noncompliance in this one case, justify that, given that fact it hasn't been caught in the past. It is clearly a provision of the code. It's clear that it's the responsibility of the design professional to follow the code. It's clearly the responsibility of the AHJ to enforce the code. Given those things, the city is within their rights to enforce the code in this situation and in any other similar situation going forward now that they are aware of it.

Shawn did share that he had a conversation with his residential inspectors when this came up. He specifically asked them if they have seen this product and none of them could recall seeing it very often.

They may have seen it once or twice, here or there. It hasn't been on an existing build, but on a new build and they could clearly see the weather barrier has been installed. One inspector did recall seeing a product similar to this, couldn't say for sure if it was this exact product, but did see if was over the top of a weather barrier. We do have instances in the building codes where we may have been looking at a product, or not noticed a product that was in nonconformance but as soon as we find it, it has to conform. For example, specifically in the electrical field, there is a state requirement that products have to be listed and labeled. Our inspector's have approved, products in the past, that are not listed and labeled. They didn't know they weren't listed or labeled but then when someone raised a question and it was looked into farther. It was discovered that it wasn't listed, those items weren't allowed going forward. There are lots of products out there where you can buy the exact same product, one if half the price because it is not listed and labeled nor is it tested. We do have instances where we catch it and they say they used it in the last one. In those cases where we didn't catch it, we have to say we can't go back and make you tear something apart after the fact. It is not a retroactive thing for us. This permit is still open and active so we are enforcing this on this permit. In the future, our guys know what to look for and make sure they are using it properly. He can't say it doesn't happen because that would be a lie. We all know that it does happen. We all know that when we look at plans, we may see something that appears to be correct but under field inspection, it is not. We then ask for that correction. We are doing the same thing here.

Mark stated that they have had projects they have worked on where it has gone through plan review and everything is approved but when inspections happen, they found something that doesn't meet building code. They say it has to be fixed. Brian shared that that experience is not uncommon. Mark also shared that when that happens, the owner doesn't pay for that. We end up paying for it. We designed it incorrectly in the first place. Even after the building was finished, things need to get ripped out and reinstalled. All of us have probably had this happen. Brian shared that it is expensive education but employees won't make the same mistake twice when that happens. Shawn shared that his employees don't like making mistakes that cost people money either.

Brian had a question with Owens Corning, if they have three products that can be used and are fan fold products, two of them are approved as weather barrier and one is not, why is that one not. Is it because it is perforated material or is it because it has never been tested. One option might be to call and ask the questions. That happens often when new products are released and they just haven't gone through the testing process to meet that requirement. Shawn replied that they are open and willing to accept alternative design materials that meets code. If something like that can be brought from the manufacturer saying it does meet specs it just hasn't been tested yet and they can show that, we can allow those products. If they come back and say no, it's a perforated and it doesn't meet the weather resistive barrier then it can't be used. Justin confirmed that in one of the correspondence emails that Owens Corning does state that it is perforated board and will not act as a weather barrier.

Scott stated that there is no responsibility then for the inspectors and it's all on him. Shawn replied that unfortunately we rely on others to tell us what products they are using otherwise things like this can happen. Scott then stated that there isn't a punch sheet or anything like that because three times it was reviewed. Shawn stated that if you are using a product and you're not sure what product you are using, and us asking that question three, four, five times isn't getting us an answer, it ends up being a field

inspection at that point. We then start asking the questions at that point. Scott started asking Shawn questions about how they know he used certain products on certain aspects. Justin stated that it is not the city's responsibility to check every single thing. Scott replied that he knows that.

Alissa jumped in and reminded the group that this meeting is governed by Robert's Rules. This is a hearing. She knows it's a little bit different because we are in a different setting and it's a little more conversational but we do need some point of order. We would look to the chair to have some order and less back and forth. She understands a board member asking either party questions but we should try to keep a little order to the meeting. Clay stated that we will proceed in a more formal way.

Clay asked Shawn how much input the homeowner has had on this process. This build has had an insulation problem and now this problem. Have you had conversations there or where do they sit with this because at the end of the day, the homeowner is the one dragging the chain. Shawn replied that he has had meetings with the homeowner and we have informed him of all the things are we finding along the way. He is the one who brought in the pictures and show that there might have been felt behind this product. That would have been great if that was there and Shawn asked him to talk with Scott to see if he can verify that it is back there. If he can, he can submit that and we can move forward. Shawn has been trying to keep the homeowner informed as much as possible. The homeowner has had issues with contractors and feels more comfortable talking with the city especially when it comes to what sheetrock so that we could see the insulation on the inside to see if that was failing. The homeowner took the pictures that were submitted on the last appeal for this property and that is what lead to that appeal to be withdrawn.

Scott stated for the record that he had nothing to do with the insulation thing as that was RetroFoam and the homeowner fired them. He said that the homeowner went against his judgement.

Clay stated that there are three different siding materials used on the home. One has been defined and two have not. He would like to know what the other two are as it looks like wood, shake and lap. Scott said the wood is the original lap redwood siding that was taken off and refurbished and put back on. Also board and baton and the other one is LP Smart Side. There is a little LP shake as well.

Clay talked about watching the code progress over time. The siding applications that are on this home were done for decades without any underlayment so talking about the intent of the code rather than the letter of it and how the homeowner feels about it. At the end of the day, we want the homeowner feel that the city and the codes were there to service them. If the exterior siding products can have something done with them to avoid any weather barrier coming thorough them, could we achieve the intent and not the letter. Would the homeowner be open to that. Without those conversations, I don't know that we are in a good spot to give an up or down motion at this time. He is wondering is Shawn has considered alternatives to complete removal. Shawn said they have tried to consider any way around this without violating the code. He looked into the smart siding to see if there was anything in there, if maybe it didn't' require the weather barrier behind it but he couldn't find anything on that. If there is documentation or an alternative way of doing this, we are definitely open to that but we will

have to be given that information. It would be on the homeowner or contractor to give us that information and ask us for that consideration.

Clay said that knowing we can't manufacture code, it does require the general and architect to know what they are installing. And if a lawyer can prove that it isn't the right product, I am going to lose. He said he has been in the business for over 50 years and he has only been in that situation once. That taught him a lesson. If there is was way through negotiation or independent testing or finding some other sort of listing on the siding, so you don't have to pull all the siding off, you may want to look into that. The code official can't manufacture code. This board can't manufacture code but the code does allow for alternative methods.

Clay asked the board if they had anything else to add. Scott starting talking and Clay asked him to kindly to speak when spoke to. Justin asked if this is a situation where if Scott could provide an alternative method, could it be approved. Brian shared that the code does allow for them and if you can hire an independent agency, that is a certified testing agency, that can approve this assembly then it is open to approval from the AHJ. That would probably be the least cost option here.

Clay stated that he is ok giving this a little more time to see what may come of conversations between the homeowner, contactor and the city but short of that, it is a residing job. Brian asked that that type of approval would not be an approval that this board would have to make. Shawn confirmed that the city would handle that type of approval; typically the only time the board would see those types of things is if we do not approve it, then that could be appealed. Shawn reiterated that the city would be open to that verses having to residing.

Clay asked the board for a motion to allow that process to move forward as we are not approving it as it is now, but hoping this avenue can be pursued.

Alissa shared her concern that if Mr. Dahms comes back with an alternative method and it's not approved, he would be required to the \$150 fee to appeal again. Given that the board has 60 days to make a decision and Mr. Dahms had filled his original appeal in April 15, we would still have time if the board wanted to move to continue the hearing until the next meeting scheduled June 5. Perhaps then, we can come to that resolution. It's just an alternative and it is up to the board as to what they want to do but it might help simplify things.

Brian Berg made a motion that they continue the appeal until the next meeting to allow for time to explore alternative methods, seconded by Mark Lundberg. No one was in opposition and the motion was declared carried. Clay directed Scott to work with the homeowner and Shawn to see what could be done to resolve this by the next meeting. Justin recommended looking into the existing building code to see if there is something in there that could help. He doubts it, but might be worth looking into.

Announcements

Shawn shared that Kevin Bartram's term is up at the end of June and he has decided to stay on for another term.

Clay Dietrich called for a motion to adjourn the meeting. Justin Schoenberg motioned to adjourn the meeting, seconded by Brian Berg. No one was in opposition and the motion was declared carried.

Meeting adjourned at 10:39am.

Respectfully submitted

Shawn Ouradnik Board Secretary