

TITLE 4  
BUILDING REGULATIONS

TABLE OF CONTENTS

|  |    |
|--|----|
| CHAPTER 4-01.....  | 3  |
| GENERAL PROVISIONS.....  | 3  |
| 4-01-01. Enforcement; Right of Entry.....  | 3  |
| 4-01-02. Administrative Search Warrant.....  | 3  |
| 4-01-03. Notice and Order.....   | 3  |
| 4-01-04. Appeal and Emergency.....   | 3  |
| 4-01-05. Hearing.....  | 4  |
| 4-01-06. Violation - Penalty.....  | 4  |
| 4-01-07. Abatement.....  | 4  |
| 4-01-08. Permits.....  | 4  |
| 4-01-09. Liability.....  | 5  |
| 4-01-10. Definitions.....  | 5  |
| CHAPTER 4-02.....  | 5  |
| BUILDING CODES.....  | 5  |
| 4-02-01. Building Permits.....   | 5  |
| 4-02-02. Adoption of the City of Bismarck Building Code....                            | 5  |
| 4-02-03. Subsequent Editions.....  | 6  |
| 4-02-04. Conflicts.....  | 6  |
| 4-02-05. Permit Fees.....  | 6  |
| 4-02-06. Amendments to the Codes.....  | 6  |
| 4-02-07. Occupancy and Zoning Requirements.....  | 37 |
| 4-02-08. Permit Placard.....   | 37 |
| 4-02-09. Regulations Governing Electricians (Repealed)....                             | 37 |
| 4-02-10. Violations.....   | 37 |
| CHAPTER 4-03.....  | 37 |
| DANGEROUS BUILDINGS.....   | 37 |
| 4-03-01. Adoption of the Uniform Code For the Abatement of<br>Dangerous Buildings..... | 37 |
| 4-03-02. Subsequent Editions.....  | 38 |
| 4-03-03. Conflicts.....  | 38 |
| 4-03-04. Amendments.....   | 38 |
| 4-03-05. Violations.....   | 39 |
| CHAPTER 4-04.....  | 39 |
| SIGNS AND OUTDOOR DISP LAY STRUCTURES.....   | 39 |
| 4-04-01. Adoption of the International Building Code Appendix<br>H, Signs.....         | 39 |
| 4-04-02. Subsequent Editions.....  | 39 |
| 4-04-03. Conflicts.....  | 39 |
| 4-04-04. Amendment to The Code.....  | 39 |
| 4-04-05. License and Insurance.....  | 44 |
| 4-04-06. Permit Fees.....  | 45 |
| 4-04-07. General Requirements and Provisions.....                                      | 45 |
| 4-04-08. Obsolete Signs.....   | 46 |
| 4-04-09. Specific Provisions For Downtown.....   | 46 |

|                   |   |    |
|-------------------|---|----|
| 4-04-10.          | Special Provisions for Residential or Public Districts..... | 54 |
| 4-04-11.          | Special Provisions for electronic Message Center Signs..... | 55 |
| 4-04-12.          | Special Provisions for Digital Billboard Signs...           | 59 |
| CHAPTER 4-05..... |   | 60 |
|                   | MOVING AND DEMOLITION OF BUILDINGS AND STRUCTURES.....      | 60 |
| 4-05-01.          | Purpose.....  | 60 |
| 4-05-02.          | Permit Required.....  | 60 |
| 4-05-03.          | Demolition Permits.....                                     | 60 |
| 4-05-04.          | Moving Permits.....   | 60 |
| 4-05-05.          | Inspection.....   | 62 |
| CHAPTER 4-06..... |   | 63 |
|                   | SWIMMING POOLS.....   | 63 |
| 4-06-01.          | Purpose.....  | 63 |
| 4-06-02.          | Rules and Regulations.....                                  | 63 |
| 4-06-03.          | Enforcement.....  | 63 |
| 4-06-04.          | Definitions.....  | 63 |
| 4-06-05.          | Approval of Plans and Permits.....                          | 64 |
| 4-06-06.          | Design Standards.....                                       | 65 |
| 4-06-07.          | Operation Licenses.....                                     | 74 |
| 4-06-08.          | License Fee.....  | 75 |
| 4-06-09.          | Operational Practices.....                                  | 75 |
| 4-06-10.          | Residential Pools.....                                      | 78 |
| CHAPTER 4-07..... |   | 81 |
|                   | FIRE PREVENTION CODE.....                                   | 81 |
| 4-07-01.          | Adoption of the City of Bismarck Fire Prevention Code.....  | 81 |
| 4-07-02.          | Subsequent Editions.....                                    | 82 |
| 4-07-03.          | Conflicts.....  | 82 |
| 4-07-04.          | Definitions.....  | 82 |
| 4-07-05.          | Permit Fees.....  | 82 |
| 4-07-06.          | Amendments.....   | 83 |
| CHAPTER 4-08..... |   | 92 |
|                   | MOBILE HOMES AND RECREATIONAL VEHICLES.....                 | 92 |
| 4-08-01.          | Purpose of Chapter.....                                     | 92 |
| 4-08-02.          | Definitions.....  | 92 |
| 4-08-03.          | Parking of Mobile Homes or Recreational Vehicles.....       | 93 |
| 4-08-04.          | Mobile Home Park License.....                               | 94 |
| 4-08-05.          | Application for License and Renewal; Fees.....              | 94 |
| 4-08-06.          | Term of License.....  | 95 |
| 4-08-07.          | Park Standards.....   | 95 |
| 4-08-08.          | Certification Label.....                                    | 98 |
| CHAPTER 4-09..... |   | 98 |
|                   | RECREATIONAL VEHICLE PARKS.....                             | 98 |
| 4-09-01.          | License Required.....                                       | 98 |
| 4-09-02.          | Application; Fees.....                                      | 98 |
| 4-09-03.          | Duration of License.....                                    | 99 |

|   |     |
|---|-----|
| 4-09-04. Park Standards.....                      | 99  |
| CHAPTER 4-10.....                                 | 101 |
| MECHANICAL CONTRACTOR LICENSING.....              | 101 |
| 4-10-01. License Required.....                    | 101 |
| 4-10-02. License Qualifications.....              | 103 |
| 4-10-03. Single Business Limitation.....          | 104 |
| 4-10-04. Continuing Education.....                | 104 |
| 4-10-05. Expiration and Renewal.....              | 104 |
| 4-10-06. Suspension or Revocation of License..... | 104 |
| 4-10-07. Time of Examination.....                 | 104 |
| 4-10-08. Passing Grade.....                       | 105 |
| 4-10-09. Apprentice to Journeyman Ratio.....      | 105 |
| 4-10-10. Fees.....                                | 105 |

CHAPTER 4-01  
GENERAL PROVISIONS

4-01-01. Enforcement; Right of Entry. It is the duty of the fire chief, the director of public health or the building official or their agent to enforce the provisions of this title.

The fire chief, the director of public health or building official or their agent has the authority to enter any building or upon any premises within the city's jurisdictional limit which is covered by the provisions of this title to inspect for compliance. The inspections shall be conducted during regular business hours or at any other reasonable time.  
*(Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)*

4-01-02. Administrative Search Warrant. Whenever the fire chief, the director of public health or the building official or their agent is denied access to a building to inspect for compliance with this title, he/she may secure an administrative search warrant from the municipal judge in accordance with Chapter 29-29.1, N.D.C.C.  
*(Ord. 4452; 07-21-92; Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)*

4-01-03. Notice and Order. Whenever a violation of this title is found the fire chief, the director of public health or the building official or their agent shall give written notification to the owner, and the person in charge of the work that a violation has occurred and order the violation abated and the work brought back into compliance with this title. A reasonable time must be allowed for compliance.  
*(Ord. 4452; 07-21-92; Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)*

4-01-04. Appeal and Emergency. All decisions of the fire chief, the director of public health or the building official dealing with violations of this title or the issuance or non-issuance of the licenses or permits required by this title are subject to appeal to the Board of City Commissioners upon written notice of appeal filed within 15 days of issuance of the

decision. If no appeal is filed within the time period specified, the decision of the fire chief, the director of public health or the building official is final. An appeal stays the decision issued unless the fire chief, the director of public health or the building official certifies to the board that a stay would cause imminent danger to life and property in which case the decision may be stayed only by a restraining order from the board or a court of record.

*(Ord. 5672, 07-22-08; Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)*

4-01-05. Hearing. Upon receiving the notice of appeal the board shall set a date for a hearing within fifteen days of receipt of the notice of appeal. Notice of the time and place for the hearing must be served upon the appellee by certified mail or in person not less than five days prior to the hearing.

4-01-06. Violation - Penalty. Any person who fails to comply with a final or un-stayed decision of the fire chief, the director of public health or the building official or a decision of the board after a hearing is guilty of an ordinance violation and subject to the provisions of Chapter 1-02. Each day the violation continues constitutes a separate offense.

*(Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)*

4-01-07. Abatement. The imposition of a penalty provided by the provisions of this title shall not preclude the city from instituting proceedings to restrain, correct or abate a continuing violation of this title. If within ten days of a final order that order has not been obeyed, the fire chief, the director of public health or the building official is hereby authorized to restrain, correct or abate the violation and have the costs incurred assessed against the property.

*(Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)*

4-01-08. Permits.

1. It is unlawful to do any work covered by this title for which a permit is required without first obtaining a permit.

2. Nothing in this chapter shall be construed to prohibit emergency repairs at times when it is not practical or possible to obtain a permit. When emergency work is done an application for a permit must be submitted within 24 hours of completion, exclusive of weekends and holidays.

3. The issuance or granting of a permit or approval of plans and or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of this title. The issuance of a permit upon plan and specifications shall not prevent the fire chief, the director or public health or the building official from

thereafter requiring the correction of errors in the plans and specifications, or from preventing building operations being carried on thereunder when in violation of this title or any other provision of this code or ordinance of the city.

*(Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)*

4-01-09. Liability. In no event shall the city assume any liability for personal injury or property damage caused by any defect in work that was inspected and approved, done under a permit, or approved plans pursuant to the provisions of this title.

4-01-10. Definitions. Whenever the word "municipality" or the word "city" is used in any code adopted pursuant to this title, it means the City of Bismarck, North Dakota. Whenever the term Authority Having Jurisdiction (AHJ) is used in the adopted codes and their Referenced Standards pursuant to Title 4-02-02 it shall mean the building official. Whenever the term Authority Having Jurisdiction (AHJ) is used in the adopted International Fire Code and its Referenced Standards pursuant to Title 4-07-01 it shall mean the fire chief.

Whenever the words "corporate counsel" or "city attorney" are used in any code adopted pursuant to this title, it means the city attorney of the City of Bismarck, North Dakota.

*(Ord. 5707, 02-24-09)*

#### CHAPTER 4-02 BUILDING CODES

4-02-01. Building Permits. Building permits must be issued in accordance with the City of Bismarck Building Code, except that a permit for the erection of any new building may not be issued unless the building is to be located in a platted subdivision of the city.

*(Ord. 5316, 05-25-04)*

4-02-02. Adoption of the City of Bismarck Building Code. There is hereby adopted by the City of Bismarck and incorporated by reference herein the City of Bismarck Building Code which shall consist of the following codes, except those portions hereinafter deleted, modified or amended; (appendix chapters are not adopted unless specified):

2015 International Building Code (IBC)

2015 International Residential Code (IRC) (including appendix E & J)

2015 International Mechanical Code (IMC)

2015 International Fuel Gas Code (IFGC)

2015 International Energy Conservation Code (IECC)

Wiring Standards of North Dakota

North Dakota State Plumbing Code

*(Ord. 4281, 8-23-89; Ord. 4452, 07-21-92; Ord. 4688, 05-23-95; Ord. 4911, 05-26-98; Ord. 5025, 01-11-00; Ord. 5316, 05-25-04; Ord. 5578, 02-26-08; Ord. 5802, 02-22-11; Ord. 6035, 04-08-14; Ord. 6243, 1-24-17)*

4-02-03. Subsequent Editions. Subsequent editions or revisions of the codes adopted by Section 4-02-02 shall be considered adopted and in full force and effect within the city upon the adoption thereof by the State of North Dakota and/or the City of Bismarck and the filing of one copy thereof in the office of the City Administrator.

*(Ord. 4688, 05-23-95; Ord. 5316, 05-25-04)*

4-02-04. Conflicts. In the event of any conflict between the provisions of the code adopted by this chapter and applicable provisions of state law or city ordinances, rules or regulations, the provisions of state law, city ordinances or rules and regulations shall prevail and be controlling. When the provisions of this chapter conflict with the zoning regulations, the zoning regulations shall prevail.

4-02-05. Permit Fees. The fee for any permit required under this Title 4 shall be as determined from time to time by the Board of City Commissioners, shall be kept on file in the office of the Building Official and the office of the City Administrator, and posted on the City's web-site, and must be paid before the issuance of any permit.

*(Ord. 5316, 05-25-04; Ord. 5736, 08-11-09; Ord. 5802, 02-22-11)*

4-02-06. Amendments to the Codes. The codes adopted in Section 4-02-02 are hereby amended as follows:

1. General: Whenever reference is made to the National Electrical Code (NEC) it shall mean the Wiring Standards of North Dakota. Whenever reference is made to the International Plumbing Code (IPC) or the International Private Sewage Disposal Code (IPSDC) it shall mean the North Dakota State Plumbing Code. Whenever reference is made to flood hazard areas or flood-resistant construction requirements, the City of Bismarck Ordinance, Title 14, Chapter 14-04, Floodplain District regulations shall apply.

Whenever any work for which a permit is required has been commenced without first obtaining said permit the fee for said permit shall be double the normal fee.

2. 2015 International Building Code (IBC):

Section 101.4.7 Existing Buildings. Add:  
Exception: 1. Existing buildings may use Chapter 34 of the IBC 2012 as an alternative to using the IEBC 2015.

Section 104.8 Liability. Add: 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 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 105.2 Work exempt from permit. Building:  
Amend items 6 and 11 to read:

6. Sidewalks and driveways.

11. Swings and other playground equipment.

Section 105.2 Work exempt from permit. Building:  
Add item 14:

14. Reroofing.

Section 107.3.1 Approval of construction documents. Amend to read: When the Building Official issues a permit, the construction documents shall be approved. One set of construction drawings so reviewed shall be retained by the Building Official.

Section 109.2 Schedule of permit fees. Amend to read: 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.

Section 110.1: Add: Occupying or permitting occupancy of any building or structure prior to the issuance of a Certificate of Occupancy shall constitute an infraction under the provisions of the Code of Ordinances of the City of Bismarck.

Section 113 Board of Appeals: Delete.

Section 202 DEFINITIONS, COMMERCIAL MOTOR VEHICLE. Amend to read: A motor vehicle used to transport passengers or property, or motorized equipment where the motor vehicle or equipment: Has a gross vehicle weight rating of 10,000 pounds or more; or have combined weights greater than 26,000 lbs; or is designed to transport 16 or more passengers, including the driver.

Section 305.2 Group E, day care facilities. Amend to read: Group E Day care facilities. This group includes buildings and structures or portions thereof occupied by more than twelve children older than 2½ years of age who receive educational supervision or personal care services for fewer than 24 hours per day.

Section 305.2.2 Twelve or fewer children. Amend to read: Twelve or fewer children. A facility having twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

Section 305.2.3 Twelve or fewer children in a dwelling unit. Amend to read: Twelve or fewer children in a single family dwelling and having twelve or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the Residential Code.

Section 308.6 Institutional Group I-4, day care facilities. Amend to read: 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

Section 308.6.1 Classification as Group E. Amend to read: A child day care facility that provides care for more than twelve but not more than 100 children 2 ½ years of age, where the rooms in



which 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.

Section 308.6.3 Twelve or fewer persons receiving care. Amend to read: A facility having twelve or fewer persons receiving custodial care shall be classified as part of the primary occupancy.

Section 308.6.4 Five or fewer persons receiving care in a dwelling. Amend to read: A facility such as above within a dwelling unit having twelve or fewer persons receiving custodial care shall be classified as Group R-3 occupancy or shall comply with the International Residential Code.

Section 310.5.1 Amend to read: Care Facilities within a dwelling. Care facilities for twelve or fewer persons receiving personal care that are within a single family dwelling are permitted to comply with the International Residential Code.

Section 406.3.4.1 Dwelling unit Separation. Amend to read: The private garage shall be separated from the dwelling unit and its attic area by means of gypsum board, not less than 5/8 inch in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8 inch type X gypsum board or equivalent and 5/8 inch gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the dwelling unit shall be either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inch in thickness, or doors in compliance with section 716.5.3 with a fire protection rating of not less than 20 minutes.

Section 706.6 Vertical continuity. Exceptions. Add:

7. Fire walls installed within detached structures of group U or Group S-2 occupancies may terminate at the underside of the roof sheathing provided such walls are not required to be fire-resistance rated

construction due to fire separation distance.

Section 902.1 Definitions. Add: COMMERCIAL MOTOR VEHICLE.

Section [F] 903.2.8 Group R: Amend to read: An automatic sprinkler system installed in Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: Single family dwelling or a residential building that contains no more than two dwelling units.

Section [F] 903.2.9 Group S-1. Add item 6:

6. A Group S-1 occupancy where the usage is not determined at time of permit application.

Section [F] 903.2.11.3 Buildings 55 feet or more in height. Amend to read: Buildings 55 feet, or five stories or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more located 55 feet, or five stories or more above the lowest level of fire department vehicle access, measured to the finished floor.

Section 903.3.1 Automatic sprinkler systems. Amend to read: 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.

Section [F] 903.3.1.2.1 Balconies and decks: Amend to read: Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units and sleeping units where the building is of Type V construction, provided there is a roof, overhang six (6) inches greater, or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

Section [F] 905.1 General. Add: Class II and III standpipe systems are prohibited. Where required within this section, all standpipe systems shall meet the requirements of a Class 1 standpipe.

Section [F] 907.2.3 Group E. Amend to read: A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Where approved by the fire code official, a building's emergency communication system interfaced with the fire alarm system in accordance with NFPA 72 is acceptable.

Section [F] 907.2.11.1 Group R-1. Exceptions. Add:

In dwelling 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 detectors shall be installed in the hallway and in the adjacent room.

Section [F] 907.2.11.2 Group R-2, R-3, R-4, and I-1. Exceptions. Add:

In dwelling 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 detectors shall be installed in the hallway and in the adjacent room.

Section 1011.1 General. Exceptions. Add:

2. 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.

Section 1011.2 Width and capacity. Add:

Exception 4. Stairways used to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public.

Section 1011.5.2 Riser height and tread depth. Amend item 3, and Add item 6 to read:

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 8 inches ; the minimum tread depth shall be 9 inches; the minimum winder tread depth at the walkline shall be 10 inches; and the minimum winder tread depth shall be 6 inches. A nosing projection not less than 3/4 inch but not more than 1 1/4 inches shall be provided on stairways with solid risers where the tread depth is less than 11 inches.

In private stairways serving an occupant load of less than ten (10) and stairways to unoccupied roofs, the maximum riser height shall be 8 inches and the minimum tread depth shall be 9 inches.

Section 1011.11 Handrails. Exceptions. Add:

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 shall have a handrail on at least one side.

Vehicle service pit stairways are exempt from the rules for stairway railings and guards if they would prevent a vehicle from moving into place over the pit.

Section 1015.2 Where required. Amend to read: Guards shall be located along open-sided walking surfaces, including mezzanines, equipment platforms, stairs, ramps and landings, that are located more than 30 inches above the floor or grade below or if within 36 inches horizontally to the edge of the open side 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 1607.8.

Section 1104.4 Multistory buildings and facilities. Exception 1. Amend to read: An accessible route is not required to stories, basements and mezzanines that have an area of not

more than 3,000 square feet, are located above or below accessible levels and are below the third story.

Section 1203.1 General. Amend to read: Buildings shall be provided with natural ventilation in accordance with section 1203.4, or mechanical ventilation in accordance with the International Mechanical Code. Ambulatory care facilities and Group I-1 occupancies shall be ventilated by mechanical means in accordance with section 407 of the International Mechanical Code.

Section 1207 SOUND TRANSMISSION: Delete.

Section 1507.2 Fasteners. Amend to read: Fasteners for asphalt shingles shall be galvanized, stainless steel, aluminum, or copper roofing nails, minimum 12 gage 0.105 inch with a minimum 0.375 inch-diameter head, of a length to penetrate through the roofing materials and a minimum of 0.75 into the roof sheathing or other fasteners as approved by the building official and shingle manufacturer. Where the roof sheathing is less than 0.75 inch thick, the nails shall penetrate through the sheathing. Fasteners shall comply with ASTM F 1667.

Section 1603.1. Add: 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.

Section 1610.1 General. Exception: Amend to read: 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.

Section 1804.4 Site Grading. Amend to read: Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection. Lots 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.

Section 1809.5 Frost Protection. Add: Exception

4. Free-standing buildings used as Group U occupancies for the storage of private or pleasure-type motor vehicles constructed in accordance with section 406.3.1.

Section 2902.2 Separate Facilities. Add: Exception 4. Separate facilities shall not be required in business occupancies with a floor area of fifteen-hundred (1,500) square feet or less.

3. 2015 International Residential Code (IRC):

Section R104.8.1 Legal Defense. Amend to read: any suit or criminal complaint 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 immunities and defenses provided by other applicable local, state, or federal laws. 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.

Section R104.10.1 Flood Hazard areas. Delete:

Section R105.2: Section 105.2 Work exempt from permit. Building: Amend item 1 to read:

One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.

Section R108.3 Building permit valuations. Amend to Read: 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.

Section R110.1.1: Add: Occupying or permitting occupancy of any building or structure prior to the issuance of a Certificate of Occupancy shall constitute an infraction under the provisions of the Code of Ordinances of the City of Bismarck.

Section R112 Board of Appeals: Delete.

Table R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA (1). Add:

Ground snow load: 35 psf  
Wind Design speed: 115 mph  
Wind Design topographic effects: NO  
Wind Design special wind region: NO  
Wind Design wind-borne debris zone: NO  
Seismic Design Criteria: Zone A  
Subject to Damage From weathering: Severe  
Subject to Damage from frost depth: 4 feet  
Subject to Damage from termite: NO  
Winter Design Temp: -19  
Ice Barrier Underlayment Required: YES  
Flood Hazards: (a)First FIRM adopted in 1985, (b)current/ revised FIRM adopted 2014.  
Air Freezing Index: 4000  
Mean Annual Temp: 42 degrees (F)

Table R302.1 (1) Exterior walls. Add; foot note c. for the first column in walls to read: A common 2-hour fire-resistance-rated wall is permitted for two or more family dwellings where the common wall is on a property line provided such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section 302.4

Section R302.2 Townhouses: Exception 2. Amend to read: Where a sprinkler system is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly or two 1-hour fire-resistance-rated wall assemblies tested in accordance with ASTM E 119 or UL 263.

Section R302.5.1 Opening protection. Amend to read: 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 $\frac{3}{8}$  inches in thickness, solid or honeycomb-core steel doors not less than 1 $\frac{3}{8}$  inches thick, or 20-minute fire-rated doors.

Section R303.4 Mechanical ventilation. Delete:

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

Section R310.2.3.1 Ladder and Steps. Amend to read: Window wells with a vertical depth greater than 44 inches shall be equipped with a 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. Ladders or steps required by this section shall not be required to comply with Sections R311.7 and R311.8. Ladders or rungs shall have an inside width of at least 12 inches, shall project at least 3 inches from the wall and shall be spaced not more than 18 inches on center vertically for the full height of the window well.

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.

Section R311.3 Floors and landings at exterior doors. Add: Exception 2. A landing is not required on the outside of exterior doors other than the required egress door, where a stairway with a total rise of less than 30 inches is located on the exterior side of the door, provided the door does not swing over the stairway.

Section R311.3.1 Floor elevations at the required egress door. Exception: Amend to read: The landing or floor on the exterior side shall not be more than 8 inches below the top of the threshold provided the door does not swing over the landing or floor.



Where exterior landings or floors serving the required egress door are not at grade, they shall be provided with access to grade by means of a ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

Section R311.3.2 Floor elevations for other exterior doors. Amend to read: Floor elevations for other exterior doors. 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 landing is not required where a stairway with a total rise of less than 30 inches is located on the exterior side of the door, provided the door does not swing over the stairway.

Section R311.7.5.1 Risers. Amend to Read: The Riser height shall not be more than 8 inches. The riser shall be measured vertically between landing edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch. Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted provided that the openings located more than 30 inches, as measured vertically, to the floor or grade below do not permit the passage of a 4-inch-diameter sphere.

Exceptions:

1. The opening between adjacent treads is not limited on spiral stairways.
2. The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.

Section R311.7.5.2 Tread depth. Amend to read: The minimum tread depth shall be 9 inches. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch.

Exception: Where a landing is not provided or required by section R311.3, R311.3.2 or R311.7.6, 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. Such a tread shall be at least 18 inches measured in the direction of travel.

Section R311.7.5.2.1 Winder treads. Amend to read: Winder treads shall have a minimum tread depth of 9 inches measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a tread depth of not less than 6 inches at any point within the clear width of the stair. Within any flight of stairs, the largest winder tread depth at the walkline shall not exceed the smallest winder tread by more than 3/8 inch). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch of the rectangular tread depth.

Exception: The tread depth at spiral stairways shall be in accordance with Section R311.7.10.1.

Section R311.7.6 Landings for stairways.  
Exception: Amend to read: Exceptions:

A floor or landing is not required at the top of an interior flight of stairs, including stairs in an enclosed garage, provided a door does not swing over the stairs.

A landing is not required at the top of an interior flight of stairs with a total rise of less than 30 inches, provided the door does not swing over the stairway.

Section R312.1.1 Where Required. Amend to read: Guards shall be located along open-sided walking surfaces, stairs, ramps and landings that are located more than 30 inches measured vertically to the floor or grade below. Insect screening shall not be considered as a guard.

Section 313.2 One- and two-family dwellings automatic fire systems. One- and two-family dwellings automatic fire systems. An automatic

residential fire sprinkler system may be installed in one- and two-family dwellings.

Section R314.3 Location. Add: 5. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and in the adjacent room.

Section R322 Flood-Resistant Construction. Delete.

Section R325.5 Openness. Amend to read: Mezzanines shall be open and unobstructed to the room in which they are located except for walls not more than 36 inches in height., columns and posts.

Section 326.1 General. Amend to read: The design and construction of pools and spas shall comply with the City of Bismarck Ordinance, Title 4, Chapter 4-06, Swimming Pools.

Section R403.1.4.1 Frost Protection. Exceptions: Amend to Read:

Protection of freestanding accessory structures of light framed construction shall not be required.

Protection of freestanding accessory structures with an area of 400 square feet or less, of other than light-framed construction shall not be required.

Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

Non-frost protected Foundations supporting detached accessory structures of light frame construction greater than 200 sf must be constructed of monolithic slab-on-grade construction with turned-down footings. Perimeter turned-down footings must be a minimum of 12-inches in depth and eight-inches wide. Perimeter turned-down footings shall have a minimum of one no. 4 bar at the top and at the bottom of the footing. Footings shall not bear on frozen soil.

Table R403.1 (4). Alternate Width and Thickness for Concrete Footings for Light-Frame Construction. Add: Effective, July 1<sup>st</sup>, 2017.

| Story and Type of structure | Footing Width (inches) | Footing Depth (inches) |
|-----------------------------|------------------------|------------------------|
| 1 story slab-on-grade       | 16                     | 8                      |
| 1 story with crawl space    | 16                     | 8                      |
| 1 story plus basement       | 19                     | 8                      |
| 2 story slab-on-grade       | 16                     | 8                      |
| 2 story with crawl space    | 16                     | 8                      |
| 2 story plus basement       | 23                     | 8                      |
| 3 story slab-on-grade       | 16                     | 8                      |
| 3 story with crawl space    | 20                     | 8                      |
| 3 story plus basement       | 26                     | 8                      |

Notes:

Chart is based on a soil load-bearing value of 1500 psf.

Table R404.1.2 (10). Alternate Vertical Reinforcement for 8 inch Concrete Foundation Walls. Add: Effective, July 1<sup>st</sup>, 2017.

| Wall Height (feet) | Unbalanced Backfill Height (feet) | Wall Thickness (inches) | On Center Spacing of Vertical Reinforcement |
|--------------------|-----------------------------------|-------------------------|---|
| 8                  | >6                                | 8                       | #4 at 24"                                   |
| 9                  | >6                                | 8                       | #4 at 18"                                   |
| 10                 | >6                                | 8                       | #4 at 15"                                   |

Notes:

Chart is based on an active soil pressure of 45 pounds per cubic foot (pcf) and soil classes GM, GC, SM, SM-CL and ML.

Reinforcing steel shall be ASTM A615 Fy - 60,000 pounds per square inch (psi).

The vertical reinforcing bars are to be located on the inside face.

Minimum concrete strength  $F_{c1} = 3,000$  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.

Horizontal reinforcement must be installed in accordance with Table 404.1.2 (1). Design is required for wall heights greater than 10 feet.

Table R404.1.2 (11). Alternate Vertical Reinforcement for 8 inch Concrete Foundation Walls. Add: Effective, July 1st, 2017.

| Wall Height (feet) | Unbalanced Backfill Height (feet) | Wall Thickness (inches) | On Center Spacing of Vertical Reinforcement |
|--------------------|-----------------------------------|-------------------------|---|
| 8                  | >5                                | 8                       | #4 at 18"                                   |
| 9                  | >5                                | 8                       | #4 at 12"                                   |
| 10                 | >5                                | 8                       | #4 at 10"                                   |

Notes:

Chart is based on an active soil pressure of 60 pounds per cubic foot (pcf) and soil classes SC, ML-CL and inorganic CL.

Reinforcing steel shall be ASTM A615 Fy - 60,000 pounds per square inch (psi).

The vertical reinforcing bars are to be located on the inside face.

Minimum concrete strength  $F_{c1} = 3,000$  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.

Horizontal reinforcement must be installed in accordance with Table 404.1.2 (1).

Design is required for wall heights greater than 10 feet.

Section R404.1.3.2 Reinforcement for foundation walls. Amend to read: Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with Table R404.1.2(1). Vertical reinforcement shall be provided in accordance with Table R404.1.2(2), R404.1.2(3), R404.1.2(4), R404.1.2(5), R404.1.2(6), R404.1.2(7), or R404.1.2(8), or Table R404.1.2(10). Vertical reinforcement for flat basement walls retaining 4 feet or more of unbalanced backfill is permitted to be determined in accordance with Table R404.1.2(9). For basement walls supporting above-grade concrete walls, vertical reinforcement shall be the

greater of that required by Tables R404.1.2(2) through R404.1.2(8) or by Section R611.6 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.

Section R602.7.2 Rim board headers. Revise to read: 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 R602.7.5 Supports for headers. Amend to read: 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 with four-16d nails (3.5 inches × 0.135 inches).

Table R602.7.5 Minimum number of full height studs at each end of headers in exterior walls. Delete:

Section R602.10 Wall Bracing. Add: Exception: The wall bracing requirements of section R602.10 of the 2006 International Residential Code may be used as an alternative to this section.

Section R703.7.2 - Plaster. Add: Approved decorative coatings applied to a concrete or masonry surface shall be installed in accordance with the manufacturer's installation instructions.

Section R905.2.5 Fasteners. Amend to read: Fasteners for asphalt shingles shall be galvanized steel, stainless steel, aluminum or copper roofing nails, minimum 12 gage [0.105 inch (3 mm)] shank with a minimum 3/8 inch (10 mm) diameter head, ASTM F 1667, of a length to penetrate through the roofing materials and a minimum of 3/4 inch (19 mm) into the roof sheathing or other fasteners as approved by the building official and shingle manufacturer. Where the roof sheathing is less than 3/4 inch (19 mm) thick, the fasteners shall penetrate through the sheathing.

Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirements By Component. Climate zone 6, Wood Frame Wall R-Value. Amend to read: 20 or 13+5h,i.

Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirements By Component. Climate zone 6, Basement Wall R-Value. Amend to read: 10/13.

Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirements By Component. Climate zone 6, Crawlspace R-Value. Amend to read: 10/13.

Table N1102.1.4 (R402.1.4) Equivalent U-Factors. Climate zone 6, Frame Wall Factor. Amend to Read: 0.057.

Table N1102.1.4 (R402.1.4) Equivalent U-Factors. Climate zone 6, Basement Wall U-Factor. Amend to Read: 0.059.

Table N1102.1.4 (R402.1.4) Equivalent U-Factors. Climate zone 6, Crawl Space Wall U-Factor. Amend to Read: 0.059.

Section N1102.4 (R402.4) Air leakage (Mandatory). Add: Exception: Dwelling units of R-2 Occupancies and multiple single family dwellings shall be permitted to comply with IECC Section C402.5.

Section N1102.4.1.2 (R402.4.1.2) Testing. Delete

Section 1103.1.1 Programmable Thermostat. Delete:

Section N1103.3.2 (R403.3.2) Sealing (Mandatory). Exception 2. Amend to read: 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, and locking-type joints and seams.

Section N1103.3.5 (R403.3.5) Building Cavities (Mandatory). Amend to read: Building framing cavities shall not be used as supply ducts.

Section N1103.3.5 (R403.3.5) Mechanical Ventilation (Mandatory). Amend title to read: Ventilation (Mandatory)

Table N1105.5.2(1) [R405.5.2(1)] Specifications for the Standard Reference and Proposed Design. Air exchange rate. Amend to read:

| Building Component | Standard Reference Design   | Proposed Design  |
|--------------------|---|--|
| Air exchange rate  | Air leakage rate of 5 air changes per hour in Climate Zones 1 through 8 at a pressure of 0.2 inches w.g. (50 Pa). (Balance is unchanged.) | For residences that are not tested, the same air leakage rate as the standard reference design. For tested residences, the measured air exchange rate. The mechanical ventilation rated shall be in addition to the air leakage rate and shall be as proposed. |

Section M1503.4 Makeup Air Required. Amend to read: Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19m<sup>3</sup>/S) shall be mechanically or naturally provided with makeup air at a rate in excess of 400 cfm. Such makeup air systems shall be equipped with not less than one damper. Each damper shall be a gravity damper or an electrically operated damper that automatically opens when the exhaust system operates. Dampers shall be accessible for inspection, service, repair and replacement without removing permanent construction or any other ducts not connected to the damper being inspected, serviced, repaired or replaced.

Section 1506.1.1 Required Condensation Provisions. Amend to read: Air exhaust openings shall terminate not less than 3 feet (914 mm) from property lines; 3 feet (914 mm) from



operable into the building and 10 feet (3048 mm) from mechanical air intakes except where the opening is located 3 feet (914 mm) above the air intake. Openings shall comply with Sections R303.5.2 and R303.6.

Section M1701.2.1 Prohibited Sources. Add: Attic spaces shall not be used as a source of combustion air.

M1801.1 Venting required. Amend to read: Fuel-burning appliances shall be vented to the outside in accordance with their manufacturer's installation instructions. Venting systems shall consist of approved chimneys or vents, or venting assemblies that are integral parts of labeled appliances. Gas-fired appliances shall be vented in accordance with Chapter 24.

Section M2101.3 Protection of potable water. Amend to read: The potable water system shall be protected from backflow in accordance with the provisions listed in the North Dakota State Plumbing Code.

Section M2101.10 Tests. Amend to read: New hydronic piping shall be isolated and tested hydrostatically at a pressure of not less than 100-pounds per square inch (psi) (689 kPa). The duration of each test shall be not less than 15 minutes and not more than 20 minutes.

Section M2103.3 Piping Joints. Item 2. Amend to read: Copper tubing shall be joined by brazing complying with the North Dakota State Plumbing Code.

Section G2406.2 Prohibited locations. Exceptions 3 and 4. Delete:

Section G2406.4 Indoor Locations. Add: Any room within a building that contains a condensing appliance must be equipped with a floor drain or other approved means of condensate/liquid waste disposal.

Figure G2407.6.1 (1) All air from indoors-inlet air from ventilated crawl space and outlet air to ventilated attic. Delete:

Figure G2407.6.1 (2) All air from outdoors through ventilated attic. Delete:

Section G2407.11 (304.11) Combustion air ducts. Item 5. Amend to read: Ducts shall not terminate in an attic space.

Section G2413.5 (402.5) Allowable pressure drop. Amend to read: The design pressure loss in any piping system under maximum probable flow conditions, from the point of delivery to the inlet connection of the appliance, shall be such that the supply pressure at the appliance 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 2 psi.

Section G2417.4.1 (406.4.3) Test pressure. Amend to read: The test pressure to be used shall not be less than one and one half times the proposed maximum working pressure, but not less than 25 psig, irrespective of design pressure. Where the test pressure exceeds 125 psig 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.

Section G2425.8 (501.8) Appliances not required to be vented. Item 7. Delete:

Section G2425.12 (501.12) Residential and low-heat appliances flue lining systems. Amend to read: Flue lining systems for use with residential-type and low-heat appliances shall be limited to the following:

Clay flue lining complying with the requirements of ASTM C 315 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.

Listed chimney liner systems complying with UL 1777.

Other approved materials that will resist, without cracking, softening, or corrosion, flue gases and condensate at temperatures up to 1800 F (982 C).

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

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 is used other than a listed chimney liner a condensation drip tee shall be installed and supported in an approved manner.

Section G2427.5.2 (503.5.3) Masonry chimneys. Amend to read: Masonry chimneys shall be built and installed in accordance with NFPA211 and shall be lined as per G2425.12.

Section G2442.5 (618.5) Screen. Amend to read: Required outdoor air inlets shall be covered with a screen having  $\frac{1}{4}$  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  $\frac{1}{2}$  inch.

Section G2445 UNVENTED ROOM HEATERS. Delete:

Chapter 25 PLUMBING ADMINISTRATION. Delete:

Chapter 26 GENERAL PLUMBING REQUIREMENTS. Delete:

Chapter 27 PLUMBING FIXTURES. Delete:

Chapter 29 WATER SUPPLY AND DISTRIBUTION. Delete:

Chapter 30 SANITARY DRAINAGE. Delete:

Chapter 31 VENTS. Delete:

Chapter 32 TRAPS. Delete:

Chapter 34 GENERAL REQUIREMENTS. Delete:

Chapter 35 ELECTRICAL DEFINITIONS. Delete:

Chapter 36 SERVICES. Delete:

Chapter 37 BRANCH CIRCUIT AND FEEDER REQUIREMENTS. Delete:

Chapter 38 WIRING METHODS. Delete:

Chapter 39 POWER AND LIGHTING DISTRIBUTION.  
Delete:

Chapter 40 DEVICES AND LUMINAIRES. Delete:

Chapter 41 APPLIANCE INSTALLATION. Delete:

Chapter 42 SWIMMING POOLS. Delete:

Chapter 43 CLASS 2 REMOTE-CONTROL, SIGNALING AND  
POWER-LIMITED CIRCUITS. Delete:

Appendix E Section AE101.1. Amend to read: These provisions shall be applicable only to a manufactured home used as a single dwelling unit.

4. 2015 International Mechanical Code (IMC)

Section 108.8 Equipment submerged under water. Add: Equipment submerged under water constitutes a fire and health hazard and is considered unsafe equipment. All residential and light commercial furnaces, boiler, and water heaters shall be replaced when any of the following components are submerged under water: gas control valve, burner assembly, electrical control panel, heat exchanger. The following components may be replaced without replacing the furnace or water heater when they are the only items submerged: furnace blower motor or insulation.

Section 109 Means of appeal. Delete.

Section 201.3 Terms defined in other codes. Amend to read: Section 201.3 Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Fuel Gas Code, National Electrical Code and North Dakota State Wiring Standards or the North Dakota State Plumbing Code, such terms shall have meanings ascribed to them as in those codes.

Section 304.10 Clearance from grade. Amend to read: Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending not less than 2" above adjoining grade or shall be suspended not less than 6" above adjoining

grade. Such support shall be in accordance with the manufacturers installation instructions.

Section 305.4 Interval of support. Amend to read: Piping shall be supported at distances not exceeding the spacing specified in Table 305.4, or in accordance with MSS SP-69. In addition to the requirements of Table 305.4, piping and tubing shall be supported within 2 feet of every bend or angle.

Section 307.2.2 Drain pipe materials and sizes. Amend to read: Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC or PVC pipe or tubing. All 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 the North Dakota State Plumbing Code relative to the material type. Condensate waste and drain line size shall be not less than 3/4- inch (19 mm) internal diameter 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.

Section 401.2 Natural ventilation. Amend to read: Ventilation. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical ventilation in accordance with Section 403.

Section 403.1 Ventilation system. Amend to read: Mechanical ventilation shall be provided by a method of supply air and return or exhaust air. The amount of supply air shall be approximately equal to the amount of return and exhaust air. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.

Exception: The latest version of ASHRAE 62.1 (Ventilation for acceptable indoor air quality) shall be considered to be an acceptable alternative to this section.

Section 505.2 Makeup air required. Amend to read: Exhaust hood systems capable off exhausting in excess of 400 cfm shall be provided with makeup air at a rate in excess of 400 cfm. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

Section 508.1.1 Makeup air temperature. Add: Exception: Makeup air shall not be required to be cooled when supplied directly into the kitchen space.

Section 508.2 Compensating hoods. Amend to read: Manufacturers of compensating hoods shall provide a label indicating minimum exhaust flow and/or maximum makeup airflow that provides capture and containment of the exhaust effluent. Short circuit compensating hoods are prohibited.

Add: Section 508.2.1 Compensating Hood Make-up Air. Compensating hoods shall extract at least 40% of the required exhaust air flow from the kitchen area.

Section 509.2 Exhaust fan operation. Add: A hood exhaust fan(s) shall continue to operate after the extinguishing system has been activated unless fan shutdown is required by a listed component of the ventilation system or by the design of the extinguishing system. When the fire-extinguishing system discharges makeup air shall be shut off.

Add: Section 603.12.1 Required Condensation Provisions. All exhaust ducts, such as bathroom fans and dryer vents, if in a conditioned space, must be insulated at the last 5 feet before exiting building to no less than R-4.2. All exhaust ducts, such as bathroom fans and dryer vents, if in an unconditioned space must be insulated to no less than R-6.

Add: Section 701.3 Attic space. Attic space shall not be used for combustion air.

Section 1104.2 Machinery room. Add: Exception 3. If an existing refrigerating system is replaced or if an existing refrigeration plant is increased by not more than 50% of its original capacity, but not more than 100 tons per system

using a non-flammable class A1 or B1 refrigerant and the refrigeration machinery room was not provided in the original installation prior to 1994, a refrigeration machinery room shall not be required. If the existing refrigeration is not located in general machinery room separated from occupied spaces, a refrigeration machinery room shall be provided. The space containing the refrigeration machinery shall meet the requirement of Section 1104.3.4, protection room refrigerant decomposition, and Section 1105.3 requiring refrigerant detection. If the requirements of 1104.3.4 and 1105.3 cannot be met, a refrigeration machinery room shall be provided.

5. 2015 International Fuel Gas Code (IFGC)

Add: Section 108.8 Equipment submerged under water. Equipment submerged under water constitutes a fire and health hazard and is considered unsafe equipment. All residential and light commercial furnaces, boilers, and water heaters shall be replaced when any of the following components are submerged under water: gas control valve, burner assembly, electrical control panel, heat exchanger. The following components may be replaced without replacing the furnace or water heater when they are the only things submerged: furnace blower or insulation.

Section 109 Means of appeal. Delete.

Section 303.3 Prohibited locations. Delete: Exceptions 3 and 4.

Section 304 Combustion, ventilation and dilution air. Delete all references to attic space.

Section 304.6.1 Two permanent openings method. Amend to read: Two permanent openings, one commencing within 12 inches (305 mm) of the top and one commencing within 12 inches (305 mm) of the bottom of the enclosure, shall be provided. The openings shall communicate directly, or by ducts, with the outdoors or spaces that freely communicate with the outdoors.

Where directly communicating with the outdoors, or where communicating with the outdoors through vertical ducts, each opening shall have a minimum free area of 1square inch per 4,000 Btu/h (550

mm<sup>2</sup>/ kW) of total input rating of all appliances in the enclosure.

Where communicating with the outdoors through horizontal ducts, each opening shall have a minimum free area of not less than 1 square inch per 2,000 Btu/h (1,100 mm<sup>2</sup>/kW) of total input rating of all appliances in the enclosure [see Figure 304.6.1(3)].

Figures 304.6.1(1) and 304.6.1(2).Delete:

Section 304.6.2 One permanent opening method. Amend to Read: One permanent opening, commencing within 12 inches (305 mm) of the top of the enclosure, shall be provided. The appliance shall have clearances of at least 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 (734mm<sup>2</sup>/kW) of the total input rating of all appliances located in the enclosure and not less than the sum of the areas of all vent connectors in the space.

Section 304.11(5) Combustion air ducts. Items 5. Amend to read:

Section 304.11(5) Combustion air ducts. Add: Ducts shall not terminate in an attic space.

Exception. High efficient sealed combustion appliances may obtain combustion air from a well-ventilated attic space provided the installation complies with the manufacturers installation instructions.

Section 305.7 Clearance from grade. Amend to read: Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending not less than 2 inches (76 mm) above adjoining grade or shall be suspended not less than 6 inches (152 mm) above adjoining grade. Such supports shall be installed in accordance with the manufacturer's instructions.

Section 310.1 Pipe and tubing other than CSST. Amend to read: Each above ground portion of a gas piping that is likely to become energized shall



be electrically continuous and bonded to an effective ground-fault current path. Gas piping shall be considered to be bonded where it is connected to appliances that are connected to the equipment grounding conductor of the circuit supplying that appliance. Corrugated stainless steel tubing (CSST) piping systems listed with an arc resistant jacket or coating system in accordance with ANSI LC-1 shall comply with this section. Where any CSST segments of a piping system are not listed with an arc resistant jacket or coating system in accordance with ANSI LC-1, Section 310.1.1 shall apply.

Section 310.1.1 CSST

Section 310.1.1 CSST. Amend to read: CSST without arc resistant jacket or coating system. CSST gas piping systems and piping systems containing one or more segments of CSST not listed with an arc resistant jacket or coating system in accordance with ANSI LC-1 shall be bonded to the electrical service grounding electrode system or, where provided, the lightning protection grounding electrode system and shall comply with Sections 310.1.1.1 through 310.1.1.5.

Section 403.3 Other materials. Amend to read: Material not covered by the standards specifications listed herein shall be investigated and tested to determine that it is safe and suitable for the proposed service, and, in addition, shall be recommended for that service by the manufacturer and shall be approved by the code official.

Listed LPG hose may be used with natural gas when used for temporary heating at a maximum length of 50 feet.

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

Section 403.10.4 Metallic fittings. Item 1. Amend to read: Threaded fittings in sizes 2 ½ inches or larger shall not be used except where approved.

Section 406.4 Test pressure measurement. Amend to read: 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 increments or less and have a range not exceeding 100 psi unless otherwise approved.

Section 406.4.1 Test pressure. Amend to read: The test pressure to be used shall be no less than 1 1/2 times the proposed maximum working pressure, but not less than 20 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.

Section 411.1 Connecting appliances. Item 3. Delete:

Section 411.2 Manufactured home connections. Amend to read: 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 installation instructions.

Section 415.1 Interval of support. Amend to read: Piping shall be supported at intervals not exceeding the spacing specified in Table 415.1. Spacing of supports for CSST shall be in accordance with the CSST manufacturer's instructions. In addition to the requirements of Table 415.1, piping and tubing shall be supported within 2 feet of every bend or angle.

Section 501.8 Appliances not required to be vented. Item 8. Delete:

Section 501.12 Residential and low-heat appliances flue lining systems. Amend to read: Flue lining systems for use with residential-type and low-heat appliances shall be limited to the following:

Clay flue lining complying with the requirements of ASTM C 315 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.

Listed chimney lining systems complying with UL1777.

Other approved materials that will resist, without cracking, softening or corrosion, flue gases and condensate at temperatures up to 1,800°F (982°C).

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

Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches diameter or not less than 24 gauge (0.024 inches thick) 8 inches diameter and larger.

When a metal liner is used other than a listed chimney liner a condensation drip tee shall be installed and supported in an approved manner.

Section 503.5.3 Masonry chimneys. Amend to read: Masonry chimneys shall be built and installed in accordance with NFPA 211 and shall be lined as per Section 501.12.

Section 503.5.6.1 Chimney lining. Amend to read: Chimneys shall be lined in accordance with NFPA 211 and Section 501.12.

Exception: Where an existing chimney complies with Sections 503.5.6 through 503.5.6.3 and its sizing is in accordance with Section 503.5.5, its continued use shall be allowed when, in more than one appliance venting system the secondary appliance, such as a water heater, is replaced and the primary heating appliance remains.

Delete: Section 621 Unvented room heaters

6. 2015 International Energy Conservation Code.

Table (R402.1.2) Insulation and Fenestration Requirements By Component. Climate zone 6, Wood Frame Wall R-Value. Amend to read: 20 or 13+5h,i.

Table (R402.1.2) Insulation and Fenestration Requirements By Component. Climate zone 6, Basement Wall R-Value. Amend to read: 10/13.

Table (R402.1.2) Insulation and Fenestration Requirements By Component. Climate zone 6, Crawlspace R-Value. Amend to read: 10/13.

Table (R402.1.4) Equivalent U-Factors. Climate zone 6, Frame Wall Factor. Amend to Read: 0.057.

Table (R402.1.4) Equivalent U-Factors. Climate zone 6, Basement Wall U-Factor. Amend to Read: 0.059.

Table (R402.1.4) Equivalent U-Factors. Climate zone 6, Crawl Space U-Factor. Amend to Read: 0.059.

Section R402.4 Air leakage (Mandatory) Add: Exception. Dwelling units of R-2 occupancies and multiple single family dwellings shall be permitted to comply with IECC Section C402.5.

Section R402.4.1.2 Testing. Delete:

Section R403.3.2 Sealing (Mandatory). Exception 2. Amend to read: 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, and locking-type joints and seams.

Section R403.3.5 Building cavities (Mandatory) Amend to read: Building framing cavities shall not be used as supply ducts.

Section R403.6 Mechanical ventilation (Mandatory). Amend to read: Ventilation (Mandatory)

Table R405.5.2(1) Specifications for the Standard Reference and Design: Amend to read:

| Building Component | Standard Reference Design                             | Proposed Design   |
|--------------------|---|---|
| Air exchange rate  | Air leakage rate of 5 air changes per hour in Climate | For residences that are not tested, the same air leakage rate |

|  |  |   |
|--|--|---|
|  | <p>Zones 1 through 8 at a pressure of 0.2 inches w.g. (50 Pa). (Balance is unchanged.)</p> | <p>as the standard reference design. For tested residences, the measured air exchange rate. The mechanical ventilation rated shall be in addition to the air leakage rate and shall be as proposed.</p> |
|--|--|---|

*(Ord. 4281, 8-23-89; Ord. 4314, 2-06-90; Ord. 4452, 07-21-92; Ord. 4688, 05-23-95; Ord. 4776, 07-23-96; Ord. 4911, 05-26-98; Ord. 4958, 12-21-98; Ord. 5316, 05-25-04; Ord. 5578, 02-26-08; Ord. 5802, 02-22-11; Ord. 6035, 04-08-14; Ord. 6035, 04-08-14; Ord. 6243, 1-24-17; Ord. 6322, 05-08-18)*

4-02-07. Occupancy and Zoning Requirements. Structures shall conform to all requirements restricting use, occupancy and class of construction as established according to zoning and other ordinances.  
*(Ord. 5316, 05-25-04)*

4-02-08. Permit Placard. Construction or alteration of any commercial, industrial or residential structure may not be commenced until the permit holder or agent posts a placard issued by the building official showing permit number, owner and address of the structure or proposed structure on the front of the building or premises. This placard shall remain posted until the certificate of occupancy has been issued.  
*(Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)*

4-02-09. Regulations Governing Electricians. Repealed January 23, 2018.  
*(Ord. 5316, 05-25-04; Ord. 6307, -1-23-18)*

4-02-10. Violations. A violation of any of the provisions of the City of Bismarck Building Code is an infraction.  
*(Ord. 5316, 05-25-04; Ord. 5578, 02-26-08)*

CHAPTER 4-03  
DANGEROUS BUILDINGS

4-03-01. Adoption of the Uniform Code For the Abatement of Dangerous Buildings. There is hereby adopted by the City of Bismarck and incorporated by reference herein the 1997 edition of the Uniform Code For the Abatement of Dangerous Buildings as developed by the International Conference of Building Officials except those portions hereinafter deleted, modified or amended. One copy must be on file in the office of the City Administrator.  
*(Ord. 4282, 8-08-89; Ord. 4452, 07-21-92; Ord. 4688, 05-23-95; Ord. 4911, 05-26-98; Ord. 5316, 05-25-04)*

4-03-02. Subsequent Editions. Subsequent editions or revisions of the code adopted by the provisions of this chapter shall be considered adopted and in full force and effect upon the approval thereof by the board and the filing of one copy in the office of the City Administrator.  
(Ord. 5316, 05-25-04)

4-03-03. Conflicts. In the event of any conflict between the provisions of the code adopted by this chapter and applicable provisions of state law or city ordinances, rules and regulations, the provisions of state law or city ordinances, rules or regulations shall prevail and be controlling.  
(Ord. 5316, 05-25-04)

4-03-04. Amendments. The Uniform Code For the Abatement of Dangerous Buildings is hereby amended as follows:

1. Definitions:

a) "Building Official" or "Health Officer" means the building official or the director of public health, or the designated agent of the building official or the director of public health.

b) "Board of Appeal" means Board of City Commissioners.

2. Section 401.2, paragraph 4, is amended as follows:

Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, a hearing will be scheduled before the board of city commissioners, at which time the board will hear the matter and may order the building vacated and posted to prevent further occupancy until the work is completed, and may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

3. Section 401.2, paragraph 5, is hereby deleted.

4. A new subsection 401.6 is hereby added:

Upon failure of any owner to comply with the notice and order to repair, vacate or demolish any dangerous building, the building official or the director of public health shall schedule a hearing on the matter before the board of city commissioners. Service of a Notice of Hearing, substantially in compliance with Chapter 6 of this code, must be made on the parties as provided by this

section. The hearing shall be conducted in accordance with Chapter 6 of this code.

5. Chapter 5, relating to Appeals, is hereby deleted.

6. The Title to Chapter 6 is hereby amended by deleting the word "Appeals" and making the word "Hearing" plural.

7. A new subsection 605.9 is hereby added:

Appeals. The decision shall state that the order of the board is final unless an appeal is taken to a court of competent jurisdiction within 30 days.

*Reference: NDCC 40-05-02*

*(Ord. 4282, 8-08-89; Ord. 4688, 05-23-95; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)*

4-03-05. Violations. A violation of any of the provisions of the Uniform Code for the Abatement of Dangerous Buildings is an offense.

*(Ord. 5316, 05-25-04)*

#### CHAPTER 4-04 SIGNS AND OUTDOOR DISPLAY STRUCTURES

4-04-01. Adoption of The International Building Code Appendix H, Signs. There is hereby adopted by the City of Bismarck and incorporated by reference herein the most recent adoption of the International Building Code (IBC), Appendix H as developed by the International Code Council except those portions hereinafter deleted, modified or amended. One copy must be on file in the office of the City Administrator.

*(Ord. 4283, 9-05-89; Ord. 4452, 07-21-92; Ord. 4688, 05-23-95; Ord. 4911, 05-26-98; Ord. 5316, 05-25-04; Ord. 5945, 02-26-13; Ord. 6191, 03-08-16)*

4-04-02. Subsequent Editions. Subsequent editions of the code adopted by provisions of the chapter shall be considered adopted and in force and effect upon approval thereof by the board and the filing of one copy in the office of the City Administrator.

*(Ord. 4688, 05-23-95; Ord. 5316, 05-25-04)*

4-04-03. Conflicts. In event of any conflict between the provisions of the code adopted by this chapter and applicable provisions of the state law or city ordinances, rules and regulations, the provisions of city ordinances, rules and regulations shall prevail and be controlling.

*(Ord. 5316, 05-25-04)*

4-04-04. Amendment to The Code. The International Sign Code is hereby amended as follows:

Definitions is hereby amended to add the following definitions:

**Awning:** Is a temporary shelter supported entirely from the exterior wall of a building with a non-combustible frame covered with cloth or metal. The awning shall be collapsible, retractable or capable of being folded against the face of the supporting building.

**Canopy:** Any structure, other than an awning made of metal or other non-combustible materials, attached to a building, projecting over a thoroughfare.

**Canopy Sign:** Any sign placed directly below and supported by a canopy.

**Closed Sign:** A display sign in which the entire area is solid or tightly enclosed or covered.

**Digital Off-Premise Advertising Sign:** An off-premise advertising sign with a digital display of information that is capable of displaying multiple static images sequentially and is controlled by electronic communications. A sign with one digital face and one static face shall be considered a digital off-premise advertising sign.

**Electronic Message Center Sign:** An on-premise advertising sign with a digital display of information that is capable of displaying characters, letters or illustrations and can be electronically changed by remote or automatic means. A message sign with a digital display of information located within the public right-of-way that provides information to motorists and is operated by a governmental entity is not an electronic message center sign, a sign with a digital display of time and temperature only is not an electronic message center sign, and a sign with a static digital display of fuel prices only is not an electronic message center sign.

**Facing or Surface:** The surface of a sign upon, against, or through which the message is displayed or illustrated on the sign.

**Feather Flag Sign:** a freestanding sign typically constructed of a single plastic or metal shaft driven in the ground or fixed to a weighted base and with an attached pennant that is vertically elongated and attached to the shaft.



Flashing: A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign.

Frame Effect: A visual effect on an electronic message center sign applied to a single frame or to transition from one frame to the next.

Frame Hold Time: The duration or interval of time during which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

Marquee Sign: A sign attached to the face of a marquee and contained complete within the borderline of the marquee's outer edges.

Monument Sign: a freestanding sign supported by a base of at least seventy-five (75) percent of the sign width with the sign face located less than eight (8) feet from the ground.

\* \* \* \* \*

NIT: A unit of illuminative brightness equal to one candela (12.5 lumens) per square meter, measured perpendicular to the rays of the source.

Off Premise Advertising Sign: A ground sign, as defined in the most recent adoption of the International Building Code (IBC), advertising, or intending to advertise, any goods or services that are not associated with the use of the premises. An off-premise advertising sign may be static, digital, illuminated, non-illuminated or any combination thereof.

On-Premise Advertising Sign: A sign advertising the business, person, service or major product of the building or land upon which it is located, or identifying the premises or goods manufactured, produced, or services rendered thereon.

Pole Sign: a freestanding sign resting on or supported by single pole or other vertical structure with a sign face located more than eight (8) feet from the ground.

Political Campaign Signs: In order to balance the free speech rights of citizens regarding candidate choices or ballot measures to be decided at special,

primary or general elections with the interests of the city in maintaining a safe and clean environment for its citizens, the commission adopts the following rules with respect to political campaign signs placed in residential areas: Political campaign signs placed in residential districts must be removed within 10 days following the election. Political campaign signs in residential areas shall be limited to a total of sixteen square feet exclusive of supports. Political campaign signs may not be placed upon the public right-of-way or upon any publically owned property and may not be placed in the area of a sight triangle, as defined in Ordinance 14-02-03, so as to obstruct the sight lines of vehicles.

Portable Sign: a sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; a sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/or which is not wired for electricity in accordance with the sign code. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors.

Projecting Sign: a sign that is wholly or partly dependent upon a building or structure for support and which projects outward from the surface of the building in a direction perpendicular to the surface.

Public Art: a painting, sculpture, mosaic, mural or other work of visual art visible from a public right-of-way or outdoor public space.

Real Estate Signs: Real estate signs in residential districts designating property for sale shall be limited to a total of eight square feet exclusive of support.

Exception: Subdivision development signs in developing areas of the city may be permitted for a period of no more than twelve months. Such signs shall be limited to 144 square feet in size. A permit shall be obtained for the location and placement of such signs.

Roof Sign: A sign that is mounted on the roof of a building which is wholly dependent upon a building for support and which projects above the parapet of a building for a flat roof, the eave line of a building

with gable roof, or the deck line of a building with a mansard roof.

**Sidewalk Sign:** a portable sign typically designed with an A-frame structure placed on the sidewalk or boulevard area of a public right-of-way, associated with an abutting commercial establishment.

**Sight Triangle:** An area of unobstructed vision at the intersections of streets, alleys and driveways. The purpose of the sight triangle is to ensure visibility for operators of motor vehicles, bicycles and pedestrians on intersecting streets, driveways and alleys.

For any use on a corner lot, the sight triangle is the triangle formed by measuring from the point of intersection of the two (2) property lines a distance of twenty-five (25) feet in both directions along the street right-of-way lines and connecting the points to form a sight triangle on the area of the lot adjacent to the street intersection.

For a commercial, industrial, institutional or multi-family use on a lot at the intersection of a street and an alley, the sight triangle is the triangle formed by measuring from the point of intersection of the two (2) property lines a distance of fifteen (15) feet along the street right-of-way line and a distance of fifteen (15) feet along the alley right-of-way line and connecting the points to form a sight triangle on the area of the lot adjacent to the intersection of the street and alley.

For a commercial, industrial, institutional or multi-family use with a driveway, the sight triangle is the triangle formed by measuring from the point of intersection of the property line adjacent to a street and the edge of the driveway a distance of fifteen (15) feet in along the street right-of-way line and a distance of fifteen (15) feet along the edge of the driveway and connecting the points to form a sight triangle on the area of the lot adjacent to the intersection of the street and the driveway.

For commercial, industrial, institutional or multi-family uses, the City engineer may require a greater sight triangle than indicated above on a case-by-case basis when it is warranted based on the posted speed and traffic volumes on the adjacent roadway, topography, sight distances or any other engineering concern.

Sign Face: The entire surface area of the sign that is used to identify, advertise or communicate information for visual representation and is visible from any one direction.

Spite Sign: Any sign erected solely for the specific purpose of hiding or covering from the view of the public an adjacent or nearby sign.

Temporary Sign: A display sign banner, or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame intended for a limited period of display, including decorative displays for holidays, public demonstrations, business sales, promotions, relocations, etc. Portable signs, or signs that are not affixed to the ground or a structure and are readily movable shall be considered temporary signs.

Transition Time: The duration or interval of time between which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

Wall Sign: a sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms a background surface of, the sign.

Window Sign: a sign affixed to the inside or outside of an exterior window or located in the interior of a building, within twelve (12) inches of a window, and oriented outside the window.

*(Ord. 4283, 09-05-89; Ord. 4328, 04-24-90; Ord. 4688, 05-23-95; Ord. 5316, 05-25-04; Ord. 5704, 02-10-09; Ord. 5945, 02-26-13; Ord. 6036, 03-11-14; Ord. 6191, 03-08-16; Ord. 6272, 07-25-17)*

4-04-05. License and Insurance. A person may not engage in the business of erecting signs, or be entitled to a permit to erect a sign under the provisions of this chapter unless licensed to do so by the building official on written application as he shall prescribe. A license may not take effect until the licensee files with the City Administrator a copy of the licensee's liability insurance policy in the minimum amount of two hundred fifty thousand dollars (\$250,000.00) for each person and five hundred thousand dollars (\$500,000.00) for each occurrence, which names the city as an additional insured, and insures against any damage or claim resulting from or related to the erection or maintenance of any sign in the city by the licensee. Annual licenses expire on the 31st day of December of each year.

4-04-06. Permit Fees. A sign permit fee is the same as established in Chapter 4-02-05 Building Permit Fees.  
(Ord. 5316, 05-25-04)

4-04-07. General Requirements and Provisions. The following requirements and provisions apply to all on-premise advertising signs:

1. Signs which resemble or which interfere to any degree with the effectiveness of a traffic control device, sign or signal; which are placed beside or behind a traffic control device in a location or at a height that makes a motorist's view of a traffic control device indistinguishable from the sign; which obstruct or interfere with a motorist's view of approaching, merging or intersecting traffic within the operational area of an intersection; or which have distracting flashing or moving lights so designed or lighted as to create a traffic hazard are prohibited may not be erected at the intersection of any street or alley in such a manner as to obstruct the free and clear vision of persons using the intersecting streets.

2. An external source of light for a sign may not be directed into any residential district or towards any oncoming traffic.

3. A sign may not be painted on, attached to, or affixed to any trees or other similar organic or material matter.

4. A permanent sign may not use fluorescent type paints, such as that known as "Day-Glo".

5. Spite signs are prohibited.

6. When any sign becomes unsafe or is unlawfully installed or maintained in violation of this chapter, the owner shall be notified pursuant to Section 4-01-03 to bring the sign back into compliance with this chapter.

7. A sign may not be illuminated by other than electricity and electrical devices. The wiring must comply with Chapter 4-05. Open spark or flames may not be used for display purposes unless specifically approved by the fire and building inspections chief.

8. A sign may not be permitted on the stairwell railing of a basement business.

9. A sign may not be painted on any building in any zoning district except for the central business district as defined herein.

10. Flashing signs are prohibited.

11. Audio speakers or any form of pyrotechnics in association with a sign are prohibited.

12. The use of laser lights, strobe lights, searchlights, beacons and similar upward or outward oriented lighting as part of any temporary or permanent sign is prohibited. The use of laser lights as part of any temporary or permanent sign is prohibited.

*Section 4-04-07 shall apply retroactively to all signs.*

*(Ord. 4283, 9-05-89; Ord. 5316, 05-25-04; Ord. 5704, 02-10-09; Ord. 5912, 08-14-12; Ord. 6191, 03-08-16)*

4-04-08. Obsolete Signs. Any sign which no longer advertises a bona fide business conducted, or a product sold, must be taken down and removed by the owner, or person having the beneficial use of the building or premises upon which the sign may be found, upon notification by the building official pursuant to chapter 4-01.

*(Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)*

4-04-09. Specific Provisions For Downtown. The downtown district is described as those areas located within the DC - Downtown Core and DF - Downtown Fringe zoning districts. Unless otherwise specified, the following provisions apply to the entire downtown area:

1. Purpose and Intent: The purpose of this section is to promote the visual quality and economic vitality of the downtown core and downtown fringe districts by permitting signs that support the objectives of the Downtown Design Guidelines.

2. Relation to Other Provisions: The provisions of this section are required in addition to all general requirements of Chapter 4-04 of the Bismarck Code of Ordinances and the International Building Code. In the event that portions of this section conflict with other adopted provisions of local, state, or federal law, the more restrictive requirement shall apply.

3. Non-Conforming Signs: A previously-approved or permitted and properly-maintained sign that does not conform to current provisions of the ordinance will be allowed to remain in place unless the sign is removed,

abandoned, demolished, relocated, or remodeled to an extent greater than fifty (50) percent of the sign's value.

4. Prohibited Signs: The following signs are prohibited within the DC - Downtown Core and DF - Downtown Fringe zoning districts.

a. Off-premise advertising signs are prohibited, except when ancillary off-premise content, often known as privilege panels, occupy no more than ten (10) percent of all sign area on the lot.

b. Roof signs are prohibited.

c. Feather flag signs are prohibited.

d. Signs containing or utilizing flashing lights, noise, animation or moving images, or pyrotechnics are prohibited.

e. Signs containing any mechanical motion constituting a non-stationary position are prohibited, with the exception of rotating barber poles.

f. Portable signs that do not meet the provisions for sidewalk signs in this chapter are prohibited.

g. All types of signs not specifically authorized within this section or any other section of the Bismarck Code of Ordinances are prohibited.

5. Allowable Sign Area: The allowable cumulative sign area for all signs on any lot is based on the length of street frontage on the public right-of-way, other than alleyways, towards which the sign or signs are oriented.

a. In the DC - Downtown Core zoning district, the maximum area of a sign or signs along a primary street frontage is two and a half (2 ½) square feet of sign area for every one (1) linear foot of the building frontage on a street. For lots with multiple street frontages, the maximum area of a sign or signs along a secondary street frontage is one (1) square foot of sign area for every one (1) linear foot of the

building frontage on a street. Allowable sign area is not transferable between street frontages.

b. In the DF - Downtown Fringe zoning district, the maximum area of a sign or signs along a primary street frontage is one (1) square foot of sign area for every one (1) linear foot of the building frontage on a street. For lots with multiple street frontages, the maximum area of a sign or signs along a secondary street frontage is one-half ( $\frac{1}{2}$ ) square foot of sign area for every one (1) linear foot of the building frontage on a street. Allowable sign area is not transferable between street frontages.

c. The allowable cumulative sign area applies to wall signs, projecting signs, monument signs, pole signs, awning signs, canopy signs, and marquee signs. The sign area of window signs or sidewalk signs shall not be counted toward the allowable cumulative sign area.

d. For the purposes of this section, the primary street frontage shall be considered the side of the building with the primary public access to the building, which is the means by which the majority of the ground-floor space of the building is accessed. All other sides of a building shall be considered secondary street frontages, including any side of a building not directly fronting a public right of way, such as a side adjacent to a parking lot.

6. Encroachment in Public Right of Way: Prior to issuance of a sign permit for any sign that extends into or above a public right of way, either temporarily or permanently, the owner of the sign and the City of Bismarck shall enter into an encroachment agreement. The City Engineer is authorized to approve encroachment agreements for signs in the downtown, subject to prior approval by the Downtown Design Review Committee.

7. Wall Signs: Wall signs are permitted according to the following provisions:

a. The face of a wall sign shall be parallel to the plane of the wall it is mounted on and shall not project above or beyond the wall it is mounted on.



b. All signs placed against exterior walls of buildings and structures may not protrude more than twelve (12) inches from a wall's surface.

c. Signs painted directly on exterior walls or surfaces of a building are allowed, provided such signs are not located on the front façade of the building.

d. Non-illuminated wall signs, other than signs painted on an exterior wall of a building in accordance with this subsection, must be dimensional in nature, utilizing raised letters, numerals, etc. Lettering greater than six (6) inches in height must protrude at least one (1) inch from the base surface of the sign. Lettering greater than three (3) inches in height must likewise protrude at least one-half ( $\frac{1}{2}$ ) inch, and lettering three (3) inches or less in height must likewise protrude one-quarter ( $\frac{1}{4}$ ) inch.

8. Canopy, Awning and Marquee Signs: Canopy signs, awning signs, and marquee signs are permitted according to the following provisions:

a. A clear space of not less than seven (7) feet must be provided below all parts of a canopy, marquee, or awning sign above grade level.

b. No canopy, awning, or marquee may extend into the sidewalk further than two (2) feet from the back of the street curb.

c. Any canopy, awning, or marquee shall generally be located within a window and/or door recess

d. The shape, color, and material of any awning or canopy shall complement the overall architectural design of the building and conform to the Downtown Design Guidelines.

e. A marquee or awning sign must be fully contained within the fixture it is affixed to, and a canopy sign may not extend more than one (1) foot below the lowest point of the canopy.

f. Signs shall be allowed on the vertical band or the valance of an awning and shall be discouraged on the sloped portion.

9. Projecting Signs: Projecting signs are permitted according to the following provisions:

a. A sign may not project from the face of any building or structure a distance more than four (4) feet.

b. A clear space of not less than eight (8) feet must be provided below all parts of projecting signs above grade level, and no part of any projecting sign may be above the sill of any second floor window of the building or the parapet of the roof of the building.

c. Non-illuminated projecting signs must be dimensional in nature, utilizing raised letters, numerals, etc. Lettering greater than six (6) inches in height must protrude at least one (1) inch from the base surface of the sign. Lettering greater than three (3) inches in height must likewise protrude at least one-half ( $\frac{1}{2}$ ) inch, and lettering three (3) inches or less in height must likewise protrude one-quarter ( $\frac{1}{4}$ ) inch.

d. A projecting sign may not be permitted in an alley, unless the primary public access to the business or firm is obtained from the alley.

10. Monument Signs: Monument signs are permitted according to the following provisions:

a. A monument sign or any part thereof may not exceed eight (8) feet in height, as measured from the adjacent grade. Monument signs that are within the sight triangle, as defined in Section 14-02-03 of the City Code, shall be limited to three (3) feet in height.

b. Monument signs shall be supported by two columns or have a solid base constructed of brick,

stone, or a similar durable material complementary to the building material.

c. No more than one (1) monument sign may be installed per street frontage on any lot or parcel. Parcels with multiple street frontages are permitted an additional monument sign for each additional frontage.

d. A monument sign may not be installed on or extend above a public right of way.

11. Pole signs: Pole signs are permitted according to the following provisions:

a. A pole sign may not be more than twenty-five (25) in height.

b. A clear space of not less than eight feet (8) above ground level must be provided below the sign portion of a pole sign.

c. No more than one (1) pole sign may be installed per street frontage on any parcel. Parcels with multiple street frontages are permitted an additional pole sign for each additional frontage.

d. The visible supports of any pole sign shall be enclosed or covered with a decorative sheathing.

e. A pole sign may not be installed on or extend above a public right of way.

12. Window signs: Window signs are permitted according to the following provisions:

a. Paper, cardboard, or solid surface signs are not permitted on second floor windows or above.

b. A window sign may not use letters more than six (6) inches in height.

c. All window signs on a building may not occupy more than twenty-five (25) percent of the total transparent window surface, unless window signs are

used for an appropriate screening function and are approved by the Downtown Design Review Committee.

13. Sidewalk Signs: Sidewalk signs, also known as A-frame or sandwich signs, are permitted according to the following provisions:

a. All sidewalk signs must be portable.

b. One (1) sidewalk sign is allowed per place of ground-level business. Upper-floor businesses may not utilize sidewalk signs.

c. The maximum width of a sidewalk sign shall be two (2) feet and the maximum height shall be four (4) feet.

d. A sidewalk sign shall be placed only where the minimum width of six (6) continuous feet for pedestrian movements can be maintained.

e. Sidewalk signs may be placed on the sidewalk only during hours of operation and must be removed during non-business hours.

f. Sidewalk signs shall not be illuminated.

g. Sidewalk signs may not be placed in a location that creates a safety hazard by limiting visibility for pedestrians or motorists or obstructing any building ingress or egress.

h. Streamers, flags, or banners shall not be attached to any sidewalk sign or use the sign as an anchor.

14. Public Art: All Downtown Design Review procedures shall be followed for any installations of murals or public art visible from a public right-of-way. Use of building façades for public art is exempt from all size and height requirements of this section, only if the following conditions are met:

a. The public art is not installed on any side of a building directly adjacent to a public right-of-way, excluding alleys.

b. The public art not does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or logo, trademark, or other commercial message.

c. The public art is not installed on a vacant building or within a vacant lot, unless the property owner has filed a building permit with the intention of occupation or is otherwise actively in the process of improving the building or lot for the purpose of occupation.

d. The public art is not installed on any original façade of a building listed as a contributing structure of the downtown historic district, unless the art may be attached to a removable panel without damage to the underlying historic façade and the artwork meets all other downtown design review requirements pertaining to historic structures.

15. All signs within the DC - Downtown Core and DF - Downtown Fringe zoning districts shall be subject to the City's downtown design review procedures in accordance with the provisions of Sections 14-04-21.1(4) and 14-04-21.2(4) of this Code of Ordinances.

a. Any application for a sign permit shall be forwarded to the Downtown Design Review Committee for their review within thirty (30) days of the application submittal.

b. The Downtown Design Review Committee may waive any provision of this section, or impose additional requirements, as a condition of any design approval. Any such deviation shall be recorded in the minutes of the meeting and enforced by the Building Inspections Division. An applicant may appeal a decision of the Downtown Design Review Committee in a similar manner to any appeal of an advisory board.

c. A sign permit shall be issued by the Building Inspections Division upon approval of the Downtown Design Review Committee.

4-04-10. Special Provisions for Residential or Public Districts. In addition to other applicable provisions contained in this chapter, the following provisions shall apply to the placement of all signs identifying a church or school in any RR - Residential, RR5 - Residential, R5 - Residential, R10 - Residential, RM - Residential, and P - Public zoning district:

1. All types of signs not specifically authorized in this section are prohibited.

2. Signs shall be used solely for the purpose of displaying the name of the church or school on the premises and its activities and/or services.

3. One (1) freestanding sign may be permitted per street frontage, up to a maximum of two (2) signs, subject to the following standards:

a. Monument signs no more than three (3) feet in height, inclusive of supports, as measured from the curb and pylon signs with a clear space of not less than eight feet in height as measured from the curb to the message portion of the sign shall not be subject to any setback requirement, provided the sign does not project over the public right-of-way or any property line. All other signs shall be located at or behind the required setback line for a structure within the zoning district in which the sign is located.

b. The area of the sign face shall not exceed forty (40) square feet, inclusive of any reader board included as part of the sign.

c. The overall height of the sign shall not exceed fifteen (15) feet.

d. Plantings are allowed in conjunction with freestanding signs; however, plantings within the sight triangle, as defined in Section 14-02-03 of the City Code, shall be limited to three (3) feet in height, as measured from the curb, upon full maturity of the vegetative species used.

4. One (1) wall-mounted sign may be permitted per street frontage, up to a maximum of four (4) signs, subject to the following standards:

a. The sign shall be placed on the principal building.

b. The sign shall only display the name of the church or school on the premises.

c. The area occupied by the sign shall not exceed 10 percent of the wall area upon which the sign is located.

d. The area occupied by the sign shall not exceed 120 square feet in area.

e. All letters or characters on such wall signs shall be dimensional.

5. Any lighting of any sign shall be from an external light source directed at the sign, rather than from internal illumination. Lighting for the sign shall be so directed as to not interfere with the movement of traffic on adjacent roadways or be a nuisance to adjacent property owners.

6. Electronic message center signs are specifically prohibited unless the property is a school located in a P-Public zoning district adjacent to a commercially or industrially zoned property. In those situations, an electronic message center sign may be allowed as a special use, with the following provisions:

a. The location of the sign is along a roadway frontage that is contiguous to commercially or industrially zoned property.

b. A special use is approved by the Planning and Zoning Commission in accordance with the provisions of Section 14-03-08.

c. The electronic message center sign conforms to all applicable provisions of this chapter, including the provisions of Section 4-04-11 (Special Provisions for Electronic Message Center Signs).

7. All signs shall be constructed of durable, weather-resistant materials.

8. Privilege panel signs are prohibited.

*Section 4-04-10(6) shall apply retroactively to all signs.*

*(Ord. 5315, Amendment 1; 04-27-04; Ord. 5316, 05-25-04; Ord. 5552, 09-26-06; Ord. 5704, 02-10-09)*

4-04-11. Special Provisions for Electronic Message Center Signs. In addition to other applicable provisions contained in this chapter, the following provisions shall apply to the placement and operation of electronic message center signs:

1. Electronic message center signs may only be used as permanent on premise signs. Electronic message center signs shall not be used as temporary signs or as off premise signs. Electronic message center signs may be used for demonstration purposes provided the sign is used on the site for 24 hours or less, the sign is used as an on-premise advertising sign without any off-premise advertising and the sign is located outside of any sight triangle.

2. Electronic message center signs may only be located on pole (pylon) signs and wall signs. Electronic message center signs shall not be located on fin signs, ground signs (billboards), projecting signs, or roof signs, or used as portable signs.

3. Electronic message center signs are permitted only in the MA-Industrial, CG-Commercial, CA-Commercial, DC-Downtown Core, DF-Downtown Fringe, RT-Residential, HM-Health Medical, and P-Public zoning districts.

4. No electronic message center sign installed after February 10, 2009 shall be permitted to operate unless it is equipped with:

a. A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and

b. A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.

An electronic message center sign installed prior to February 10, 2009 shall be allowed to continue operation provided the brightness of the sign does not exceed a maximum illumination of five thousand (5,000) NITS during daylight hours or a maximum illumination of seven hundred and fifty (750) NITS between one-half hour before sunset to one-half hour after sunrise as measured at the sign's face at maximum brightness. These illumination levels may be set manually or by an alternative method approved by the Building Official.

5. Only one (1) electronic message center sign shall be allowed per property street frontage. An electronic message center sign with two (2) or more faces back-to-back shall be treated as one (1) sign, provided said faces are parallel or have an angle of separation of no more than thirty (30) degrees or are at right angles to street traffic. Two (2) or more electronic message center signs



mounted side-by-side shall not be treated as one sign and shall not be allowed.

6. The electronic message center sign portion of any sign shall not exceed the area specified in the table below, (which is based on the zoning district in which the sign is located and the functional classification of the roadway adjacent to the sign), or fifty (50) percent of the total sign area, whichever is greater, except as provided for in subsection 10 of this section.

| Zoning District | Functional Classification of Adjacent Roadway |                    |                |           |       |
|-----------------|---|--------------------|----------------|-----------|-------|
|                 | Interstate                                    | Principal Arterial | Minor Arterial | Collector | Local |
| MA              | 100 sf  | 100 sf             | 72 sf          | 48 sf     | 32 sf |
| CG              | 100 sf  | 100 sf             | 72 sf          | 48 sf     | 32 sf |
| CA              | 72 sf   | 72 sf              | 48 sf          | 32 sf     | 32 sf |
| DC              | N/A   | 48 sf              | 32 sf          | 32 sf     | 32 sf |
| DF              | N/A   | 32 sf              | 32 sf          | 32 sf     | 32 sf |
| HM              | N/A   | 32 sf              | 32 sf          | 32 sf     | 32 sf |
| RT              | 48 sf   | 32 sf              | 32 sf          | 32 sf     | 32 sf |
| P               | 48 sf   | 32 sf              | 32 sf          | 32 sf     | 32 sf |

7. The electronic message center sign portion of a pole (pylon) sign shall not exceed forty (40) feet in height in a MA-Industrial or CG-Commercial zoning district or exceed twenty-five (25) feet in height in a CA-Commercial, DC-Downtown Core, DF-Downtown Fringe, HM-Health Medical, RT-Residential, or P-Public zoning district, measured from the top of the nearest curblin to the top of the sign or structure. The electronic message center sign portion of a pylon sign shall be located no less than ten (10) feet above the adjacent street grade.

8. No portion of any sign containing an electronic message center shall project over the public right-of-way property line or be located within the sight triangle of intersecting streets.

9. Electronic message center signs shall be subject to the following operational requirements:

a. The sign shall have a frame hold time of no less than one (1) second. The use of animation and background animation is allowed and is not subject to the one (1) second frame hold time requirement.

b. Entrance and exit effects may be used to transition from one frame to another, provided said entrance effects result in all of the text within the frame appearing at once or in the order that the text

is normally read (including, but not limited to, scrolling from right to left or scrolling from bottom to top entrance effects). Entrance effects where all of the text within the frame does not appear at once or in the order that the text is normally read are prohibited (including, but not limited to, scrolling from left to right, scrolling from top to bottom, and entrance effects referred to as slot machine, slots, splice, mesh, radar, kaleidoscope and spin). There are no limitations on the types of exit effects used. Except for such transitions, each frame shall remain static with no additional frame or hold effects applied to text within the frame (including, but not limited to, the fading or flashing on any part of the message and hold effects referred to as flash, spin, twinkle, wavy and rumble). The use of bijou lights as a frame effect is allowed.

c. The use of streaming video or full-motion video on any electronic message center sign is prohibited, except as provided for in subsection 10 of this section.

d. The use of the words "stop," "danger," or "caution" as the only text within a frame is prohibited.

10. Electronic message center signs for large destination-oriented venues, either public or private, are allowed in accordance with the following provisions:

a. The parcel on which the sign is located must be at least 10 acres in size.

b. The parcel on which the sign is located must be within a CG-Commercial, CR-Commercial or MA-Industrial zoning district.

c. The sign must be located along a roadway classified as a local, collector or minor arterial roadway and is not allowed along a roadway classified as a principal arterial or interstate.

d. The sign must be located at least 300 feet from any RR-Residential, RR5-Residential, R5-Residential, R10-Residential, RM-Residential, or RMH-Residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district.

e. The size of the electronic message center portion of the sign does not exceed two hundred (200 ) square feet in area.

f. The use of streaming video or full-motion video is allowed.

g. The placement and operation of electronic message center signs must comply with all other applicable provisions of this section.

11. Electronic message center signs located within one hundred fifty (150) feet of any RR-Residential, RR5-Residential, R5-Residential, R10-Residential, RM-Residential, or RMH-Residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district, are subject to the following additional requirements:

a. The sign shall not exceed thirty-two (32) square feet in area, or fifty (50) percent of the total sign area, whichever is greater.

b. Between 7:00 a.m. and 10:00 p.m., the sign shall be allowed to operate in accordance with the provisions of Section 4-04-11(9) of this chapter. Between 10:00 p.m. and 7:00 a.m., the sign shall only display static images with a frame hold time of no less than three (3) seconds and shall be limited to instantaneous transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.

12. An electronic message center sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.

13. No portion of any existing sign shall be replaced with an electronic message center sign unless a sign permit is obtained for the new electronic message center sign.

14. The City Engineer and Chief of Police shall verify in writing that conditions of this provision have been met.

*Sections 4-04-11(4), 4-04-11(9) and 4-04-11(10) shall apply retroactively to all signs.*

*(Ord. 5316, 05-25-04; Ord. 5704, 02-10-09; Ord. 5945, 02-26-13; Ord. 6082; 09-09-14; Ord. 6191, 03-08-16)*

4-04-12. Special Provisions for Digital Billboard Signs. -  
Repealed March 8, 2016.

*(Ord. 5704, 02-10-09; Ord. 6191, 03-08-16)*

CHAPTER 4-05  
MOVING AND DEMOLITION OF BUILDINGS AND STRUCTURES

4-05-01. Purpose. The purpose of this chapter is to establish and enforce minimum requirements for the demolition and moving of buildings and structures within the city's jurisdictional limits. This chapter is supplemental to all ordinances and regulations for use and occupancy.  
(Ord. 5316, 05-25-04)

4-05-02. Permit Required. A permit is required for the demolition or moving of any building. The permit shall be issued by the building official, following application on forms furnished for that purpose, and determination that all requirements of this chapter have been or will be met. A permit will be issued only after the applicant has obtained a special use permit pursuant to Ordinance 14-03-08(4)(s) if the house is to be located within the zoning jurisdiction of the city.  
(Ord. 4721, 08-22-95; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)

4-05-03. Demolition Permits. Demolition permits may be issued only on the following conditions:

1. The sewer and water connections must be disconnected from the city water and sewer system to the satisfaction of the city engineer.

2. Adjacent streets, sidewalks, and alleys will be properly protected by fences and scaffolds, and pedestrian traffic rerouted with approval of the city engineer.

3. All debris, rubbish, and combustible material must be removed from the premises upon completion of the demolition. Upon completion of the demolition the site must be filled and leveled with earth to conform with the grade of adjacent properties.

4. Foundations and concrete floors shall be completely removed.

(Ord. 4228, 9-27-88; Ord. 4284, 8-08-89; Ord. 5316, 05-25-04)

4-05-04. Moving Permits.

1. Prior to issuing a moving permit the owner, or his agent, of the building to be moved shall provide the following:

a. The route, in writing, over which the house or building is proposed to be moved. The route shall be approved by the police department, the forestry department, Montana-Dakota Utilities Company, Cable TV, and Capital Electric, telephone utilities and the City Engineering Department.

b. If applicable, a certificate of inspection from the building official showing that the house or building has been inspected and the requirements for construction, alteration and repairs necessary to place the building or house in conformity with the building code and other ordinances of the city will be met.

c. If applicable, a building permit be obtained by the owner of the structure and a foundation be in place before the issuance of the moving permit. The owner shall also agree to remove all rubbish and building materials including foundation walls and floors and fill all excavations to existing grade at the original building site and that sewer service line will be plugged and the water service shut off to the satisfaction of the city engineer.

d. If applicable, a copy of the special use permit allowing the placement of the building within the zoning jurisdiction of the city.

2. In addition to the above requirements, a moving permit may be issued only if:

a. The moving of the house or other building will not obstruct the orderly flow of traffic.

b. The axle loading of the moving equipment will not be over the legal limit prescribed by the city engineer for the streets over which the moving equipment will pass.

c. The house or building shall not be moved on to public right-of-way without providing barricades and signing approved by the police department or the traffic engineer's office.

d. A police escort shall be required for a house or building exceeding 12' in width and 13.5' in loaded height.

e. The moving of the house or building will not damage any trees within a public right-of-way. The owner or his agent shall pay for any necessary tree trimming. All tree trimming shall be performed by a licensed tree trimmer and shall be available at the time of moving.

f. All agencies needed for moving of overhead wires and cables and electricians needed for moving of

traffic signals and street lights shall be available at the time of moving the structures.

g. A performance bond is posted by the owner with the City Administrator in an amount determined by the building inspector conditioned upon compliance with all city building codes.

h. The housemover files with the City Administrator a bond in the sum of Five Thousand Dollars in favor of the City and conditioned on the following:

1) The housemover will pay all damages which may result to the city or any person resident in the city or lawfully upon the streets or alleys of the city irrespective of whether the damage is to person or property, and whether the damage is caused by the housemover or his employees.

2) That the structure will be moved within three months after the permit is issued.

3) The housemover shall keep the city harmless against all liability, judgments, costs and expenses which may accrue against the city as a result of acts by the housemover in the moving.

4) The conditions of the permit, the laws of this state and the provisions of this code and ordinances of this city.

i. The housemover files with the City Administrator proof of liability insurance in the following amounts:

1) For injury or death to one person, not less than Two Hundred Fifty Thousand Dollars.

2) Subject to the limit for one person, not less than Five Hundred Thousand Dollars for injury or death to more than one person.

3) For property damage, not less than One Hundred Thousand Dollars.

*(Ord. 4171, 9-01-87; Ord. 4228, 9-27-88; Ord. 4237, 1-03-89; Ord. 4586, 03-01-94; 4688, 05-23-95; Ord. 4721, 08-22-95; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)*

4-05-05. Inspection. The building official shall inspect the building prior to demolition or moving. If any house or building to be moved is located outside the city, the owner

shall deposit sufficient money with the City Administrator to cover the cost of the city for conducting an inspection.  
(Ord. 4688, 05-23-95; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)

CHAPTER 4-06  
SWIMMING POOLS

4-06-01. Purpose. The purpose of this chapter is to provide guidance in the design, construction and operation of swimming pools so as to protect the health, safety and general welfare of the public.  
(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04)

4-06-02. Rules and Regulations. The director of public health shall promulgate reasonable rules and regulations covering approval of the design and construction of swimming pools and covering the operation and maintenance of public and semi-public swimming pools for the protection and promotion of public health and safety.  
(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)

4-06-03. Enforcement. The director of public health or agent shall enforce this chapter.  
(Ord. 4865, 08-26-97; Ord. 5188, 7-23-02; Ord. 5316, 05-25-04; Ord. 5642, 11-13-07; Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)

4-06-04. Definitions.

1. "Swimming pool" means any structure, basin, chamber or tank containing an artificial body of water for swimming, diving, recreational bathing or whirlpools and treatment pools.

2. "Residential swimming pool" means any swimming pool located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by members of the homeowner's family or their invited guests.

3. "Public swimming pool" means any swimming pool usually open to any member of the public.

4. "Semipublic swimming pool" means any swimming pool, other than a residential pool or a public pool, which is intended to be used collectively by numbers of persons for swimming or bathing regardless of whether a fee is charged for such use. This definition includes swimming pools located in condominium and apartment house complexes.

5. "Seasonal swimming pool" means any above ground, prefabricated structure for holding water for swimming, diving or recreational wading or bathing including wading pools and hot tubs. The requirements

of this chapter do not apply to the residential use of a seasonable swimming pool.

*(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04; Ord. 5642, 11-13-07)*

4-06-05. Approval of Plans and Permits. A person may not construct, alter or reconstruct any public or semipublic swimming pool without:

1. Submitting the plans and specifications to the building official for approval. The plans must be drawn to scale and accompanied by proper specifications so as to permit a comprehensive engineering review of the plans including the piping and hydraulic details and must include:

a. Plan and sectional views with all necessary dimensions of both the pool and surrounding area.

b. A piping diagram showing all appurtenances including treatment facilities in sufficient detail, as well as appurtenant elevation data, to permit a hydraulic analysis of the system.

c. The specifications shall contain details on all treatment equipment, including catalog identification of pumps, chlorinators, chemical feeders, filters, strainers, interceptors and related equipment.

The criteria to be followed by the city in the review and approval of plans must be promulgated by rules and regulations as authorized by this chapter.

2. Obtaining a permit from the building official subject to the following:

a. An application for a permit to construct or remodel a public or semi-public swimming pool must be on forms provided, together with any supporting data as may be required for the proper review of the plans.

b. The pool and facilities must be built in accordance with the plans as approved. The owner or agent shall notify the city at specific predetermined stages of construction and at the time of completion of the pool to permit adequate inspection of the pool and related equipment during and after construction. The pool may not be placed in operation until inspections show compliance with the requirements of this chapter.

*(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)*



4-06-06. Design Standards. All public and semi-public swimming pools must meet the following minimum standards:

1. The site of the proposed swimming pool must have approved water supply and waste disposal facilities available. In the case of outdoor pools, topography, protection from prevailing winds, the absence of trees in the near vicinity, distance from dusty roads and industries producing smoke or obnoxious odors, shall be considered in determining the suitability of proposed sites.

2. Grass, earth and sand areas must be excluded from the pool area. Overhanging foliage shall also be eliminated.

3. A high climb resistant fence, or other barrier, at least six feet in height shall completely encircle the pool area. Indoor pools without safety barriers may be located only in an area that can be locked during periods of nonuse, or be located so as to be under direct supervision at all times. Whirlpools or treatment pools may be located in locker rooms, used solely by adults, without the required barrier if there is at least a railing around such pool to warn of its presence.

4. Once the designed bather load is determined, the size of the swimming pool must be computed as follows:

a. Allow fifteen square feet per bather where water depth is less than five feet.

b. Allow twenty square feet of area per bather where water depth is over five feet excluding three hundred square feet of pool surface area around each diving board.

5. All materials used must be nontoxic, durable, waterproof and easily cleaned. The bottom and sides of pools must be either white or light color, except that aluminum or green-colored paints shall not be used as a finish. Pool sides and bottoms must be smooth and free from cracks or open joints.

6. A hydrostatic relief valve must be provided to prevent pool damage from high ground water levels.

7. The slope of the floor in the shallow portion of the pool may not be greater than one foot in fifteen feet where the water depth is less than five and one-half feet. There may not be sudden changes in slope in this area. In pools less than forty-two feet in length, the rate of slope in the shallow portion may not exceed one foot in eight

feet. The bottom slope of the pool at depths greater than five and one-half feet may not be greater than one foot in three feet. The bottom of the pool shall slope to the main drain or the outlets. Joints between the floors and walls shall have a cove radius of at least one inch and may not exceed more than eight inches if the water depth is less than six feet.

8. Diving areas shall have adequate depth and clearance for safe diving. There may not be obstructions extending from the wall or the floor into the clear area of the diving portion of the pool. Extensively remodeled or newly constructed swimming pools with diving areas shall meet the standards of the American National Standards Institutes-Standard for Public Swimming Pools.

9. Elevated diving boards for use by the general public may not be higher than ten feet above the water level. At least sixteen feet of unobstructed headroom extending eight feet behind, eight feet to each side and sixteen feet ahead of the center of the front tip of the board is required.

10. Ladders or stairs must be located at the shallow end and at both sides of the deep end of the pool and at intervals not to exceed seventy-five feet. All stairs entering a pool must be recessed, except that stairs entering special purpose or therapy pools need not be recessed if the design is approved by the building inspector. Treads of stairs where used must be of nonslip material. Stepholes are not recommended; however, where used, they must be of the recessed type and shall be self-draining into the pool and easily cleanable. Steps, ladders, or stepholes shall have a sturdy and easily visible handrail on either side and at the top leading out over the walk area.

A whirlpool or health pool not exceeding fifteen feet in maximum horizontal dimensions may have only one means of egress. Each means of egress must meet the requirements of this section.

11. A lifeline must be provided at or near the break in grade between the shallow and deep portions of the pool if the deep part of the pool exceeds 5 feet. It must be at least three-quarters inch in diameter, marked with color floats, and must be securely fastened to the pool walls with a non-corrosive recessed connector.

12. The depth of water in the pool must be plainly marked at points of maximum and minimum depth, at the break between the deep and shallow areas, and at intermediate

depths spaced at not more than twenty-five foot intervals. The markers must be placed on the pool wall and edge of deck, be at least four inches in height and of a contrasting color, and must be located on both sides and ends of the pool. The depth markers on the pool decking shall be non-slip type.

The depth or depths of water in a whirlpool or health pool must be plainly marked at the water surface on the pool wall and/or on the deck next to the pool.

13. All walks and deck areas shall completely encircle the pool, be ample in size, and restricted to use of those attired for aquatic activities.

The finish texture of the walks and decks must be non-slip and comfortable to bare feet. Carpeting, floor matting or other porous materials which interfere with floor cleaning or provide a place for bacteria and fungi to multiply are prohibited.

All walks and decks must be uniformly sloped to drains or points at which the water will have a free unobstructed flow to points of collection. Sidewalks and deck areas not less than eight feet wide shall extend entirely around public pools. Walks and decks must have a slope of about one-quarter inch to the foot away from the pool or to a deck drain system, and must be smooth, free of open cracks and/or broken areas, easily cleanable, non-slip construction. The edge of the pool at the junction with the runways must be rounded to form a handhold.

A minimum width of four feet of walk area must be provided for semipublic pools and shall extend entirely around the pool.

A minimum deck width of two feet must be provided on the sides and rear of any piece of diving equipment.

A whirlpool or health pool must be completely surrounded by a four-foot walkway. If the space is limited and the pool is no more than ten feet wide, a four-foot deck is required on its long side. A deck of at least twelve inches wide shall be maintained on the remaining sides.

Whirlpools or health pools maintained in the same areas as swimming pools must be separated from the pool by at least twelve inches and must be protected with a railing to prevent the use of the separation as a walkway unless the walkway is eight feet or greater in width.

Sufficient hose bibs of not less than three-fourths inch, equipped with approved type backflow preventers, must be provided for cleaning all of the pool area.

14. One lifeguard must be provided for each two thousand square feet of pool surface area or fraction thereof. If a pool requires two lifeguards, they must be positioned on opposite sides of the pool. Lifeguards are not required if the pool is less than two thousand feet in water surface and is classified as semipublic.

At least one set of lifesaving equipment must be provided consisting of:

a. One or more poles at least one-half the width of the pool plus two feet, but need not exceed sixteen feet in length, having a shepherd's crook with an aperture of at least eighteen inches between the tip of the hook and the pole;

b. One or more U. S. Coast Guard approved throwing rings having a minimum diameter of eighteen inches equipped with one-quarter-inch line not less than one and one-half the width of the pool.

15. The water supply serving the pool must meet the requirements of the North Dakota Department of Health for potable water. The state health officer may approve the use of water from natural sources when special water treatment is provided. All portions of the potable water supply serving the pool and auxiliary facilities must be protected against backflow. Potable water introduced into the pool, either directly or to the recirculation system shall be supplied through an air gap, an approved-type backflow preventer, or other approved means.

16. The recirculation system shall consist of pumps, hair and lint catchers and filters, necessary pipe connections to the inlets, outlets and skimmers of the pool and a system for backwashing of the filters. A pool which has only one main drain must have an anti-vortex cover securely attached to the drain. The re-circulation, skimmer and overflow systems shall meet the current design standards of the National Spa and Pool Institute when the pool is designed and built. As an integral part of the system, equipment must be provided for disinfecting the water and adding any necessary chemicals and makeup water.

The recirculation system must have adequate filtration and pumping capacity to provide one complete turnover of the pool water every six hours.

The water circulation and treatment system for a wading pool, plunge pool or health pool must be adequate for re-circulating and treating the entire pool volume of water in no more than two hours, and in less time, if necessary, to meet the hydraulic requirements for a surface skimmer system. The water circulation and treatment system for a whirlpool must be adequate for re-circulating and treating the entire pool volume of water in no more than thirty minutes.

17. Suction cleaners either of the portable type or as part of the permanent piping system are required.

18. A rate-of-flow indicator capable of measuring at least one and one-half times the design flow rate must be installed on the filter effluent line leading to the pool. The indicator must be calibrated to read in gallons per minute and capable of measuring both water for filtration and backwash where applicable.

19. A hair and lint catcher of acceptable design must be provided on all recirculation systems except where the filter is located prior to the pump suction.

20. Pool heaters must be installed on a bypass line on the discharge side of the filtration system. A heater capacity of from seven to ten BTU per hour per gallon of water is recommended.

Swimming may not be permitted when the water temperature falls below sixty-five degrees Fahrenheit or when the water temperature exceeds ninety degrees Fahrenheit.

Water temperatures of whirlpools or health pools may not exceed one hundred five degrees Fahrenheit.

21. Filtration.

a. Pressure sand filter systems must be provided with the following:

(1) Gauges on each battery on the inlet and outlet pipe to determine loss of head in the filter medium.

(2) Air release with a manual control on the highest point of each filter.

(3) A readily removable head or manhole with sufficient working space to facilitate inspection and repair.

(4) A sight glass installed on the waste discharge line so the operator may watch the progress of filter washing.

(5) Freeboard of eighteen inches between the surface of the filter material and the overflow troughs.

(6) Filter piping arrangement should be as simple as possible to accomplish filtration, backwashing, and filter to waste.

b. High rate sand filters must be sized to operate at filtration rates no greater than fifteen gallons per minute per square foot of surface area.

c. The following special requirements must be satisfied in diatomaceous earth filtration:

(1) Slurry feeding equipment to provide for continuous application at an accurate and uniform rate of filter aid material into a filter influent line. This equipment shall have a capacity to feed not less than 0.1 pounds of diatomaceous earth per square foot of filter area over a twenty-four hour period. The slurry feeder is required when exceeding 1.5 gallons per minute per square feet of filter area.

(2) Pressure gauges installed on both the influent and effluent side of each filter for pressure diatomite filter system. A vacuum diatomite system must have a pressure and vacuum gauge for each filter.

(3) The filter piping must be installed with a re-circulating pre-coat line to permit recirculation of the water from the effluent side of the filter back to the influent side until a satisfactory clear filter effluent is produced prior to admitting the water into the pool.

d. Cartridge filtration shall not exceed .187 gallons per minute per square foot. An extra set of cartridges must be available.

e. All filters shall comply in all respects with the standards of the National Sanitation Foundation covering filters.

22. The system shall include a feeder and monitor for the introduction of approved chemicals to control the pH of the water. Solution pots are not approved. Positive feed chemical machines are required.

23. Every pool must be provided with approved testing equipment for determination of disinfection residuals and hydrogen ion (pH) concentration. The disinfectant residual tester must have a minimum range between zero and five milligrams per liter. The hydrogen ion tester must have a pH range of from 6.8 to 8.4.

24. Equipment must be provided to adequately disinfect the pool at all times. The most common means of pool disinfection is through the application of chlorine; but other elements in the halogen group, bromine or iodine, may be used in swimming pools.

Chlorine gas, when used, must be supplied by means of a cylinder mounted vacuum operated gas chlorinator of the fail safe type in all public and semipublic pools.

All public and semi-public pools must be equipped with automatic monitoring and chemical feeding equipment.

25. The housing for the gas chlorinator and all appurtenances must meet the following specifications:

a. Be a separate reasonably gas-tight, corrosion-resistant mechanically vented enclosure or room. The room shall be at ground level and permit easy access to all equipment. The door of the room shall open to the outside and shall not open to the swimming pool or equipment room area.

b. The exhaust fan must be capable of one or more air exchanges per minute. The fan must be located at floor level or equipped with an intake extending to within six inches floor level exhausting to an outside atmosphere in an unrestricted area. Fresh air intake louvers near the top of the enclosure are required.

c. A clear glass window must be installed in the door or wall of the chlorinator room to permit the chlorinator to be viewed without entering the room.

d. Electrical switches for the control of artificial lighting and ventilation must be activated by the operation of the door. The electrical switch must be provided with a manual override in a secure area.

e. A gas mask approved by the U. S. Bureau of Mines for protection against chlorine gas must be provided. In addition replacement canisters must be provided and a record shall be kept of gas mask usage to insure that the mask will be serviceable when needed.

f. Scales must be provided for weighing chlorine cylinders. Automatic switching tank and/or metered valves may be used.

g. Safety chains must be provided for securing the chlorine cylinders.

h. A chlorine institute-approved safety kit is recommended.

26. A complete system of artificial lighting must be provided for all pools, bathhouses and dressing rooms which are to be used at night.

Area lighting shall provide at least 0.6 watt per square foot of pool and deck area.

The entire electrical installation must meet the requirements of the state electrical code.

27. There must be an absolute separation of the space used by spectators and that used by bathers. There should be no means by which the bather can enter the space reserved for the spectators or vice versa. The spectator area must have a separate entrance. Galleries for spectators shall not overhang any portion of the pool surface. Floor of the gallery should be tightly constructed to prevent dirt from getting into the pool.

28. Bathhouse: if provided:

a. The bathhouse must be located to provide entrance to the pool area near the shallow end of the pool only.

b. A dressing room area of not less than 3.5 square feet per person must be provided.

c. Floors must be of smooth, non-slip, impervious construction and sloped to drains at one-quarter inch per foot. Adequate floor drains must be installed in all areas subject to water accumulation.



d. Dressing room booths and furnishings must be of simple design and must be constructed of impervious and smooth materials that will permit hose cleaning. Partitions in booths shall terminate six inches above the floor.

e. Connections of three-quarter inch hose bibs must be provided for area cleanup.

f. Natural and/or artificial ventilation must be provided.

g. A minimum lighting level of ten foot candles at a point three feet from the floor must be available during both day and night.

h. A clothing storage area must be provided.

29. All piping and plumbing must be installed in compliance with the requirements of the North Dakota State Plumbing Code.

30. Warm water must be provided at all shower heads. The water heater and thermostatic mixing valve must be inaccessible to the bathers and be capable of supplying two gpm of ninety degrees Fahrenheit water to each shower head.

One shower head must be provided for each forty swimmers expected at maximum pool load.

Shower rooms must be located adjacent to the dressing rooms and shall not be used as hallways between the dressing rooms and pool.

31. Soap dispensers must be provided for each lavatory and between each pair of shower heads.

32. Piping carrying wastewater from swimming or wading pools including pool drainage, backwash from filters, water from overflow systems or floor drains which serve walks around pools, must be installed as an indirect waste utilizing any existing circulation pump, if necessary, when indirect waste line is below the sewer grade.

33. A wading pool must have a maximum depth at the deepest point not greater than eighteen inches. It may be constructed adjacent to the swimming pool, but it may not be part of the swimming pool and must be separated therefrom by a fence or partition sufficiently high to prevent waders from entering the swimming pool area.

The supply to the wading pool must be filtered and chlorinated water from the pool recirculation system. The outlets from the wading pool shall be piped independently to the filter. Due to the high degree of pollution a wading pool shall have a maximum turnover cycle of two hours.

34. A training pool must have a minimum depth of 18 inches and a maximum depth of 3 feet. It may be constructed adjacent to a swimming pool and must be separated therefrom by a fence or partition of sufficient height to prevent waders from entering the swimming pool area.

The supply to the training pool must be filtered and chlorinated water from the pool recirculation system. The outlets from the training pool must be piped to the filtration system independently of the pool. The maximum turnover rate cycle is four hours.

35. Each public swimming pool must be supervised by a person qualified in the fields of lifeguard training, CPR, first aid, equipment operation and pool sanitation. Individuals are considered qualified in lifeguard training CPR and first aid if they hold an appropriate Red Cross, YMCA or equivalent certificate.

36. Indoor pools:

a. Humidity. A relative humidity of forty to sixty percent must be maintained.

b. Ventilation. Ventilation must be provided to remove excess moisture and help control humidity, within the pool and dressing room areas, without subjecting bathers to drafts.

c. Lighting. Artificial illumination must be designed to maintain a minimum of fifteen and preferably one hundred footcandles of illumination at deck level.

d. Heating. The dressing rooms must be provided with heating facilities that are capable of maintaining a constant temperature level of between 70 and 75 degrees Fahrenheit.

e. Pool rooms must be equipped with heating facilities that are capable of maintaining a constant temperature level of 75 to 82 degrees Fahrenheit.

*(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04; Ord. 5642, 11-13-07; Ord. 5707, 02-24-09; Ord. 5963, 05-13-13)*

4-06-07. Operation Licenses.. A person may not operate or maintain a public or semi-public swimming pool unless a license has been obtained to operate such pool. The permit must be

obtained by April 1st of each year from the director of public health, and is valid until March 31<sup>st</sup> of the following year unless revoked for cause. A person operating a semi-public or public pool must be licensed as a "Certified Pool Operator" by the National Swimming Pool Foundation. If a certified operator is no longer employed by the pool owner, the new operator, if not already certified, must seek certification at the earliest opportunity not to exceed six months.

*(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04; Ord. 5642, 11-13-0, Ord. 5707, 02-24-09; Ord. 6156, 10-13-15; Ord. 6240, 12-13-16)*

4-06-08. License Fee. The fee for a license to conduct, operate and maintain a public or semipublic swimming pool is as determined from time to time by the city commission, shall be kept on file with the office of the city administrator and must be paid before the issuance of any license.

*(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04; Ord. 5642, 11-13-07; Ord. 6240 12-13-16)*

4-06-09. Operational Practices. The following are minimum operational practices required at all public and semipublic swimming pools:

1. Operate recirculation system continually 24 hours per day during the normal seasonal operation to insure clarity of pool water.

2. Maintain pH values between 7.4 to 7.6, except that other values may be acceptable provided they are approved by the city.

3. Maintain a free chlorine residual of between 2.0 to 4.0 mg/liter for swimming pools and 3.0 to 5.0 mg/liter for whirlpools. Swimming pools using bromine as a disinfectant shall operate at levels between 4.0 to 6.0 mg/liter. Combined chlorine levels must be no more than 0.5 mg/liter for all pools. Achieve break point chlorination (combined chlorine X 10) as soon as possible when combined chlorine levels are greater than 0.5 mg/liter.

4. In the event that a pool is contaminated with fecal matter, vomit or blood, the operator shall do the following:

If the pool is contaminated with a formed (solid, non-liquid) stool or vomit:

a. Immediately close the pool and evacuate swimmers;

b. Remove the fecal matter or vomit with a net or scoop and dispose in a sanitary manner;

- c. Maintain the free chlorine residual of 2.0 mg/liter or higher and ensure the pH is 7.5 or less and the pool temperature is 77 degrees Fahrenheit or higher for at least 25 minutes;
- d. Reopen the pool once disinfectant levels and pH are within the normal operating range;
- e. Document the incident in the daily records.

If the pool is contaminated with a loose stool (diarrheal discharge):

- a. Immediately close the pool and evacuate swimmers;
- b. Remove as much fecal material as possible using a net or scoop and dispose in a sanitary manner;
- c. Raise the free chlorine residual to 20 mg/liter and confirm by using chlorine test strips or making test kit sample dilutions. Maintain a pH of 7.5 or less and a pool temperature of 77 degrees Fahrenheit or higher. Maintain the pH and chlorine level for at least 12.75 hours;
- d. Backwash the filter after the full disinfection time. Discharge the effluent directly to waste;
- e. Reopen the pool once disinfectant levels and pH are within the normal operating range.
- f. Document the incident in the daily records.

If the pool is contaminated with blood:

- a. Check the free chlorine or bromine residual at the time of the incident. If below the required minimum residual level, the operator shall immediately close the pool until free chlorine or bromine residual is verified at or above the required minimum.
- b. Document the incident in the daily records.

Brominated pools contaminated with fecal matter or vomit shall have chlorine added to the pool in the amount that will increase the free chlorine residual to the level specified for the specific type of contamination for the specified time. The bromine residual and pH shall be within the normal operating range before reopening the pool.

Small capacity pools and whirlpools may be optionally drained, disinfected and refilled. Chlorine levels must be within normal range before re-opening the pool.

5. Infants and bathers requiring diapers, must use approved "Swim Diapers."

6. Bathers having any communicable infection, must not be permitted to use the pool.

7. Post pool rules in an easily viewed location.

8. Maintain the pool and related facilities in a clean manner at all times.

9. Keep the pool surface free of film and floating dirt and the pool bottom free of sediment.

10. Scrub the bathhouse floors daily with a liberal application of 0.25 - 1.0% chlorine solution.

11. Require all patrons to take a cleansing shower using warm water before entering the pool.

12. Keep a daily record of operation of the recirculation system, chemical additions, pH and chlorine residuals, and bathing load. Monitoring record of the operation shall be performed during bather activity. Chlorine and pH testing must be performed and recorded at least three times daily; upon opening and at intervals not less than two hours apart. Due to the limited usage of condominium pools, testing must be conducted at least once daily and written daily record keeping indicating pH and chlorine residuals must be maintained. Fecal, vomit and blood contamination incidents shall be documented in the daily record. The information recorded at the time of the incident shall include:

- a. Person conducting response;
- b. Date and time of incident;
- c. Specific area contaminated by incident;
- d. Bather load at the time of incident;
- e. Incident specifics, including type and form of body fluid observed (for example, loose or formed stool, vomit or blood);
- f. The date and time the pool was closed;

- g. Whether the pool uses chlorine stabilizer;
- h. Free chlorine residual, pH and pool temperature at the time of incident;
- i. Remediation procedures used after the incident;
- j. The date and time the pool was reopened;
- k. Free chlorine residual, pH and pool temperature at the time of reopening;
- l. Total contact time of disinfectant.

13. Collect bi-monthly samples of the pool water and submit to the North Dakota State Department of Health public health laboratory or other certified laboratory for bacterial analysis. All samples collected will be analyzed by the North Dakota Department Public Health Laboratory or other certified laboratory. Fees for analysis of samples will be determined by the laboratory conducting the testing and charged to the owner. All billing and collections for sample analysis will be the responsibility of the laboratory. Failure to perform the testing as required may constitute closure of the pool.

14. No more than three consecutive water samples from the same body of water submitted may exceed the current acceptable bacteriological standards for swimming pools as established by the North Dakota State Department of Health. The failure of three consecutive water samples to meet this standard may result in closure of the pool.

15. All swimming pools must be super chlorinated to between ten to fifteen mg/liter for at least six hours prior to seasonal startup and at any time during seasonal operation when needed for algae control, disinfection or chemical balance.

16. The swimming pool water must be of such chemical and physical qualities that when a standard test disc is placed in the deepest portion of the pool it is readily visible. Failure to meet this requirement constitutes grounds for immediate closing.

*(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04; Ord. 5642, 11-13-07; Ord. 5963, 05-13-13; Ord. 6240, 12-13-16)*

4-06-10. Residential Pools. Residential swimming pools are subject to the following:

- 1. Private swimming pools in residential areas may be located only in the rear yards and no part of the pool

may be less than four feet from any property line. Equipment enclosures and any other above grade pool-related structures shall comply with the requirements for accessory structures in the zoning district in which the pool is located.

2. No cross-connection is allowed between any private swimming pool and the city water supply.

3. Private pools may not be located, designed, operated or maintained as to interfere unduly with the enjoyment of the property rights of the adjacent property owners.

4. An admission fee may not be charged for the use of any private swimming pool located within the city.

5. Lights used to illuminate any private swimming pool must be so arranged and shaded as to reflect light away from the adjacent premises.

#### Outdoor Residential Swimming Pool

Unless excepted by this section, all outdoor swimming pools shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 72 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when a grade is a solid surface such as concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pools, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

#### EXCEPTIONS:

- a. Spas and hot tubs with a lockable safety cover that complies with ASTM F 1346.

b. Swimming pools with a powered safety cover that complies with ASTM F 1346.

2. Openings in the barrier shall not allow passage of a 1 3/4 inch diameter sphere.

EXCEPTIONS:

a. When vertical spacing between such openings is 45 inches or more, the opening size may be increase such that the passage of a 4 inch diameter sphere is allowed.

b. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increase up to 4 inches when the distance between the tops of the horizontal members is 45 inches or more.

3. Chain link fences used as a barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches below the top of the gate, and (2) the gate and barrier shall have no opening greater than 1/2 inch within 18 inches of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of a residential dwelling unit serves as a part of the barrier and contains door openings between the dwelling unit and outdoor swimming pool, which provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of this section shall be provided.

EXCEPTION: When approved by the building official, one of the following may be used:

a. Self-closing and self-latching devices installed on all doors with direct access to the pool with a release mechanism located a minimum of 54 inches above the floor.



b. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

c. Other means of protection may be acceptable so long as the degree of protection is afforded is not less than that afforded by any of the devices described above.

6. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

Covered hot tubs with secured lids and swimming pools with water depths of 24 inches or less are exempt from this section.

#### Indoor Residential Swimming Pools

For an indoor swimming pool, protection shall comply with the requirements of Item 5 for Outdoor Residential Swimming Pools.

*(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04; Ord. 6244, 1-24-17)*

### CHAPTER 4-07

#### FIRE PREVENTION CODE

4-07-01. Adoption of the City of Bismarck Fire Prevention Code. There is hereby adopted by the City of Bismarck and incorporated by reference herein the City of Bismarck Fire Prevention Code, which shall consist of the following codes, except those portions hereinafter deleted, modified or amended:

International Fire Code (IFC), same edition as the adopted International Building Code;

Bismarck Building Code

(Ord. 4302, 11-07-89; Ord. 4688, 05-23-95; Ord. 4911, 05-26-98; Ord. 5316, 05-25-04; Ord. 5497, 04-25-06)

4-07-02. Subsequent Editions. Subsequent editions or revisions of the codes adopted by Section 4-07-01 shall be the same edition as the International Building Code, as referenced by the Bismarck Building Code, and is considered adopted and in full force and effect within the city upon the adoption of the Bismarck Building Code by the City of Bismarck and the filing of one copy of the Fire Prevention Code in the office of the City Administrator.

(Ord. 4302, 11-07-89; Ord. 4688, 05-23-95; Ord. 5316, 05-25-04; Ord. 5497, 04-25-06)

4-07-03. Conflicts. In the event of any conflict between the provisions of the Code adopted by this chapter and applicable provisions of state law or city ordinances, rules or regulations, the provisions of the city ordinances, rules, or regulations shall prevail and be controlling.

(Ord. 5316, 05-25-04; Ord. 5497, 04-25-06)

4-07-04. Definitions.

1. Whenever the word "municipality" or the word "city" is used in any code adopted pursuant to this title, it means the City of Bismarck, North Dakota.

2. Whenever the words "corporate counsel" or "city attorney" is used in any code adopted pursuant to this title, it means the city attorney of the City of Bismarck, North Dakota.

3. Whenever the term "International Building Code" is used in the International Fire Code, it shall mean the "Bismarck Building Code."

4. Whenever the term "International Plumbing Code" is used in the International Fire Code, it shall mean the "North Dakota State Plumbing Code."

5. Whenever the term "ICC Electrical Code" is used in the International Fire Code, it shall mean the "Wiring Standards of North Dakota."

(Ord. 5497, 04-25-06)

4-07-05. Permit Fees. The fee for any permit or license required by the International Fire Code and authorized by the fire chief, shall be as approved by the Board of City Commissioners. The fee for permits not specifically approved and listed, is the sum of twenty-five dollars.

(Ord. 5497, 04-25-06; Ord. 5707, 02-24-09)

4-07-06. Amendments. The International Fire Code adopted by the provisions of this article is hereby amended as follows:

1. Chapter 1. Administration.

Section 101, General, is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the City of Bismarck Fire Prevention Code, hereafter referred to as "this code."

Section 103. Department of Fire Prevention. Deleted.

Section 105.1.1 Permits Required is amended to read as follows:

A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the fire code official permit and may be required to obtain a permit.

Section 105.6.1 through 105.6.48 are amended to read as follows:

The specified permits identified in each operational section as "being required" are amended to "required upon the determination of the code official."

Section 105.7 required construction permits is amended to read as follows:

The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.18. The fire code official may utilize existing permitting and approval processes already established in Community Development, Engineering or other departments.

Section 108, Board of Appeals: Deleted.

Section 109, Violations, is amended in part to read as follows:

Section 109.4 Violation penalties. A person who violates a provision of this code or who fails to comply with any of the requirements thereof or who erects, installs, alters, repairs or does work in violation of the approved construction documents or directives of the fire code official, or of a permit

or certificate used under the provisions of this code, shall be guilty of an infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111, Stop Work Order, is amended in part to read as follows:

Section 111.4 Failure to comply. Any person who continues any work after having been served with a stop work order, except work as that person is directed to perform to remove a violation of unsafe condition, shall be guilty of an infraction.

## 2. Chapter 2. Definitions

Section 202 General Definitions is amended as follows:

Commercial Motor Vehicles is amended to read as follows: A motor vehicle used to transport passengers or proper, or motorized equipment where the motor vehicle(s) or equipment:

1. Has a gross vehicle weight rating of 10,000 pounds or more or
2. Have combined weights greater than 26,000 lbs. or
3. Is designed to transport 16 or more passengers, including the driver

Fireworks, 1.4G is deleted in its entirety and replaced with the following:

Those items defined or otherwise listed in NDCC 23-15-01.

Occupancy classifications Educational Group E, day care facilities.

Educational group E.

Occupancy classifications Educational Group E, day care facilities is amended to read as follows: 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 less than 24 hours per day.

Five or fewer children. Amend to read:

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

Educational Group E.

Occupancy classifications Educational Group E, Five or fewer children in a dwelling unit is amended to read as follows: A facility such as the above within a dwelling unit and having twelve or fewer children receiving such care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

Institutional Group I-4, day care facilities. Amend to read:

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.

Classification as Group E. Amend to read:

A child day care facility that provides care for more than twelve but not more than 100 children 2 ½ years of age, where the rooms in which 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.

Five or fewer persons receiving care. Amend to read:

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

Five or fewer persons receiving care in a dwelling. Amend to read:

A facility such as above within a dwelling unit having twelve or fewer persons receiving custodial

care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

Care Facilities within a dwelling. Amend to read:

Care facilities for twelve or fewer persons receiving personal care that are within a single family dwelling are permitted to comply with the International Residential Code.

3. Chapter 3. General Requirements.

Section 308, Open Flames, is amended in part to read as follows:

Section 308.1.4, Open-flame cooking devices is amended to read as follows:

Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or decks 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.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 47.8 pounds [nominal 20 pounds (9 kg) LP-gas capacity]. Devices using deep oil containers, (i.e. turkey fryers), are not included in this exception.

Section 308 Open Flames. Section 308.3 Group A Occupancy is amended to read by adding the following subsection 1.4 to exception 1:

- 1.4 Open-flame devices for food warming.

Vacant premises.

Section 311.6 Unoccupied tenant spaces in mall buildings.

Item 1 is amended to read as follows:

1. Storage is kept to a minimum and is neat and orderly.

4. Chapter 5 Fire Apparatus Access Roads.

Section 503.2.3 Surface is amended to read as follows:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus, shall be surfaced so as to provide all weather driving capabilities, and shall meet the specifications of the City Engineering Department.

Fire Service Features

Section 510, Emergency Responder Radio Coverage, is amended to read as follows:

Section 510.4 Technical requirements.

Systems, components and equipment required to provide emergency responder radio coverage shall comply with technical requirements established at issuance of the construction permit.

Section 510.5 Installation requirements. Delete

Section 510.6 Maintenance.

The emergency responder radio coverage system shall be maintained at all times in accordance with the requirements established at issuance of the construction permit, and with Sections 510.6.2 and 510.6.3.

5. Chapter 9. Fire Protection Systems.

Section 903, Automatic Sprinkler Systems, is amended to read as follows:

Section 903.2.8 Group R.

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with Group R fire area, except in a single family dwelling or a residential building that contains no more than two dwelling units.

Section 903.2.9 is amended to read by adding condition 6.

6. A Group S-1 occupancy where the usage is not determined at time of permit application.

Automatic sprinkler systems.

Section 903.2.11.3 is amended to read as follows:

Buildings 55 feet, or five stories or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more located 55 feet, or five stories or more above the lowest level of fire department vehicle access, measured to the finished floor.

Automatic sprinkler systems.

Section 903.3.1 Standards is amended to read as follows:

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.

Section 903.3.1.2.1 Balconies and decks.

Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units and sleeping units where the building is of Type V construction, provided there is a roof, overhang six (6) inches greater, or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

Section 905, Standpipe Systems, is amended to read as follows:

Section 905.1 General. Add:

Class II and III standpipe systems are prohibited. Where required within this section, all standpipe systems shall meet the requirements of a Class I standpipe.

Section 907, Fire alarm and detection systems

Section 907.2.3 Group E Add:

Where approved by the fire code official, a building's emergency communication system interfaced with the fire alarm system in accordance with NFPA 72 is acceptable.

Section 907.2.11.1 Group R-1. Exceptions. Add:



In dwelling 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 detectors shall be installed in the hallway and in the adjacent room.

Section 907.2.11.2 Group R-2, R-3, R-4 and I-1. Exceptions. Add:

In dwelling 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 detectors shall be installed in the hallway and in the adjacent room.

6. Chapter 10. Means of Egress.

Section 1011.1 General. Exceptions. Add:

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.

Section 1011.2 Width and capacity. Add:

Exception. Stairways used to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public.

Section 1011.5.2 Riser height and tread depth. Amend item 3 and add item 6 to read:

3. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be 8 inches; the minimum tread depth shall be 9 inches; the minimum winder tread depth at the walk-line shall be 10 inches; and the minimum winder tread depth shall be 6 inches. A nosing projection not less than  $\frac{3}{4}$  inch but not more than  $1\frac{1}{4}$  inches shall be provided on stairways with solid risers where the tread depth is less than 11 inches.

6. In private stairways serving an occupant load of less than ten (10) and stairways to unoccupied roofs, the maximum riser height shall be 8 inches

and the minimum tread depth shall be 9 inches.

Section 1011.11 Handrails. Exceptions, Add:

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 shall have a handrail on at least one side.

Vehicle service pit stairways are exempt from the rules for stairway railings and guards if they would prevent a vehicle from moving into place over the pit.

Section 1015.2 Where required. Amend to read:

Guards shall be located along open-sided walking surfaces, including mezzanines, equipment platforms, stairs, ramps, and landings that are located more than 30 inches above the floor or grade below if within 36 inches 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 1607.8.

7. Chapter 11. Construction Requirements for Existing Buildings

Section 1103, Fire Safety Requirements for Existing Buildings, is amended to read as follows:

Section 1103.6.1 Existing multiple-story buildings. Change 50 feet (15 240 mm) to read five (5) stories.

8. Chapter 56. Explosives and Fireworks.

Section 5601, General, is amended to read as follows:

Section 5601.1.3, Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited. Amended as follows:

Delete Exceptions 2 and 4.

Section 5601.2.4., Financial Responsibility. The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or one

million dollars (\$1,000,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

9. Chapter 57. Flammable and Combustible Liquids.

Section 5704, Storage, is amended to read as follows:

Section 5704.2.9.6.1, Locations where above-ground tanks are prohibited. Amend to read:

Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts within the corporate boundaries of the City of Bismarck, with the exception of Industrial, Agricultural, and Public (MA, MB, A, P) districts.

Section 5704.2.12.2 is deleted in its entirety and replaced with the following:

Documentation of tightness testing shall be provided to the fire department. Piping shall be tested in accordance with Section 5703.6.3.

Section 5706, Special Operations, is amended to read as follows:

Section 5706.2.4.4, Locations where above-ground tanks are prohibited. Amend to read:

Storage of Class I and II liquids in permanent above-ground tanks outside of buildings is prohibited in all zoning districts within the corporate boundaries of the City of Bismarck, with the exception of Industrial, Agricultural, and Public (MA, MB, A, P) districts.

10. Chapter 61. Liquefied Petroleum Gases.

Section 6104, Location of LP-Gas Containers, is amended to read as follows:

Section 6104.2, Maximum capacity within established limits, the first paragraph is amended to read:

Within residentially-zoned districts of the corporate boundaries of the City of Bismarck, storage of liquefied petroleum gas used to supply a structure or

for any other use shall not exceed a maximum water capacity of 29 gallons (109 L).

In all other districts, except for Industrial, Agricultural, and Public districts (MA, MB, A, P), the maximum capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

11. Appendix B. Fire-Flow Requirements for Buildings adopt in its entirety.
12. Appendix C. Fire Hydrant Locations and Distribution adopt in its entirety.
13. Appendix D. Fire Apparatus Access Roads adopt in its entirety.

*(Ord. 4145, 4-28-87; Ord. 4302, 11-07-89; Ord. 4379, 6-18-91; Ord. 4688, 05-23-95; Ord. 4744, 01-09-96; Ord. 4911, 05-26-98; Ord. 5316, 05-25-04; Ord. 5497, 04-25-06; Ord. 5654, 02-26-08; Ord. 5707, 02-24-09; Ord. 5803, 02-22-11; Ord. 6035, 04-08-14; Ord. 6245, 1-24-17)*

#### CHAPTER 4-08 MOBILE HOMES AND RECREATIONAL VEHICLES

4-08-01. Purpose of Chapter. The city finds that properly planned and operated mobile home communities:

1. Promote the safety and health of the residents of such communities and of other adjacent properties.
2. Encourage economical and orderly development of such communities.

It is therefore declared to be the policy of the city to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for the planning and operation of mobile home communities and by providing for standards and regulations necessary to provide the amenities essential for decent living.  
*(Ord. 5316, 05-25-04)*

4-08-02. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Mobile home" means a structure, transportable in one or more sections, which is eight body feet or more in width and thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be connected to the required utilities and used as a residence.
2. "Mobile home lot" means a designated parcel of land in a mobile home community designated for the

accommodation of one mobile home and its accessory equipment, for exclusive use of the occupants of the mobile home.

3. "Mobile home stand" means that area of a mobile home site which has been reserved for the placement of a mobile home.

4. "Mobile home community" means a mobile home community or plot of ground under single ownership or management which has been planned and improved for the placement of at least twenty mobile homes which is used for the accommodation of occupied mobile homes.

5. "Recreational vehicle" means a vehicular unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home.

6. "Recreational vehicle park" means a plot of ground under single ownership or management which has been planned and improved for occupancy by at least twenty or more recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

7. "Recreational vehicle space" means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

8. "Carport" means a roofed structure, attached or detached, for protection of a vehicle or vehicles, which, if attached to the mobile home is open on at least two sides and, if detached, is open on two or more sides except for necessary roof supports.

*(Ord. 5316, 05-25-04)*

#### 4-08-03. Parking of Mobile Homes or Recreational Vehicles.

1. It is unlawful for any person to park a mobile home or recreational vehicle on any street, alley, highway, or public place or on any tract of land owned by any person, occupied or unoccupied, within the city except as provided in this section.

2. Emergency or temporary stopping or parking is permitted on any street, alley or highway for no longer than 48 hours, subject to any other or further traffic or parking limits imposed on such streets, alleys, or highways.

3. Mobile homes or recreational vehicles may be used for temporary construction offices and sales rooms when a special use permit is first secured as required by zoning ordinances.

4. Recreational vehicles may be parked upon private premises, if vacant and not used for human habitation. A recreational vehicle may not be occupied or used for human habitation unless located in a licensed recreational vehicle park, or except for special events at designated locations approved by the building official.

5. Mobile homes may be allowed on parcels of land that are properly zoned and platted for such use as allowed in the city's zoning ordinances.

*(Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)*

#### 4-08-04. Mobile Home Park License.

1. It is unlawful for any person to maintain or operate a mobile home community without a valid license issued annually by the building official in the name of such person. All applications for licenses must be made to the building official and a license issued upon compliance by the applicant with provisions of this chapter.

2. Every person holding a license shall give notice in writing to the building official within 24 hours after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home community. The notice shall include the name and address of the person succeeding to the ownership or control.

*(Ord. 5316, 05-25-04; Ord. 5707, 02-24-09; Ord. 5984, 07-09-13)*

4-08-05. Application for License and Renewal; Fees. Application for a license for a mobile home community must be filed with the building official. The application shall contain the following:

1. Name and address of the applicant and the annual fee.

2. The location and legal description of the mobile home community showing all the mobile home stands, structures, roads and other service facilities.

3. The annual fee for mobile home parks is \$3.00 each space.

Applications for renewal of licenses must be made on forms issued by the building official and must be accompanied by the required fee and contain any change in

the information submitted since the original license was issued or the latest renewal granted.

(Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)

4-08-06. Term of License. Every license issued under the provisions of this chapter is valid for the period of July 1st of each year through June 30th of the following year. Licenses must be posted in the office or on the premises of the mobile home community at all times. Any license issued after July 1st of any year shall be valid only until the following June 30th.

(Ord. 5316, 05-25-04)

4-08-07. Park Standards. Each mobile home park or community shall comply with the following:

1. A mobile home community may not provide spaces for less than twenty mobile homes.

2. The limits of each mobile home lot must be marked or clearly defined on the ground. The lot limits must be the same as shown on accepted plans.

3. The mobile home stand must be improved to provide adequate support for placement. The stand may not heave, shift or settle unevenly under the weight of the mobile home due to inadequate drainage. The stand must be graded to provide drainage away from the stand. Permanent foundations shall comply with the requirements of the city building code.

4. All mobile homes must have tie-downs as required in the National Fire Protection Association Standard 501-A-1977, except that homes constructed prior to June, 1976, can be exempted from this requirement if it is shown to the satisfaction of the building official that the prescribed tie-downs will cause structural damage to the mobile home.

5. Mobile homes and attachments must be separated from each other and from other principal buildings or structures on adjacent lots in the community by at least fifteen feet.

6. All streets within a mobile home community must be hard-surfaced and shall comply with the city zoning ordinances. All streets shall be maintained in good condition.

7. The connection of water, fuel, sanitary sewer and electrical service must be under the supervision of the mobile home community owner or operator or a qualified representative of the utility company supplying fuel or electrical service. A mobile home may not be occupied

before an inspection is conducted by the building official of the following items to insure ordinance compliance:

- a. Water and sanitary sewer connections;
- b. The electrical service conductors;
- c. The placement of the home to insure sideyard and setback requirements;
- d. A gas line test conducted by the owner or seller of the mobile home unit and certified by the building official;
- e. Heating appliances for transportation damages;
- f. Blocking to approved standards;
- g. The home is secured by approved tie-downs to the stand.

8. Each new or altered mobile home lot must be provided with service equipment rated at not less than 100 amperes. Provisions may be made for connecting a mobile home power supply assembly by a permanent wiring method which may have 50-ampere receptacles conforming to the National Electrical Code. Each existing mobile home lot must be provided with an electrical service of adequate size to serve the mobile home load.

9. Fuel supply.

a. Gas equipment and installation within a mobile home community must be designed and constructed in accordance with the provisions of the Standard 54-1974 of the National Fire Protection Association. Each lot must be provided with an accessible, listed gas shutoff valve. The valve may not be located under the mobile home. The connector between the gas supply line and the mobile home must be an approved listed flexible mobile home connector of sufficient capacity to supply gas to the connected load.

b. Fuel oil equipment and supply must be designed and installed in accordance with provisions of Standard 31-1974 of the National Fire Protection Association.

10. A mobile home community must be provided with an adequate supply of potable water complying with the state health department standards for drinking and domestic use.



11. Each mobile home lot must be provided with sanitary sewer and water connections. Such plumbing facilities shall conform to the city's plumbing code.

12. Any buildings housing toilet rooms and/or laundry facilities must be a permanent structure. The interior surfaces must be moisture resistant and readily cleanable. Such structures shall meet the requirements of the city building code.

13. Accessory buildings.

a. Accessory buildings and carports must be of standard construction and shall meet the requirements of the city building code. An attached entryway may not obstruct any required exitway from the mobile home. No more than one entryway is allowed for each mobile home. The entryway is limited to a maximum of 120 square feet in size. A porch or deck that is open on at least two sides except for roof supports and guardrails need not be included in the allowable square footage of the attached entryway.

b. Individual storm shelters are permitted provided they meet the requirements of the city building code and the consent of the community manager has been obtained. Such shelters may not be included in lot coverage requirements of the zoning ordinances or be counted as an accessory building to the mobile home lot.

c. A detached garage may be allowed providing the following requirements are met:

1) Garages must be located at least seven and one-half feet from the dividing line between mobile home lots. They shall be at least 15 feet from the mobile home or any attachment thereto on a neighboring lot.

2) A minimum of six feet must be maintained between a garage and a mobile home or attachment thereto on the same lot.

3) A 20-foot setback must be maintained between the front of the garage and any public or private street.

4) The above setback and sideyard clearances apply unless a greater clearance is required by the zoning ordinances if the mobile

home, attachment, or accessory buildings is located adjacent to a public right-of-way. These clearances must be to the walls of the structure involved; a roof overhang may extend a maximum of two feet into the setback or sideyard.

d. Accessory buildings on a mobile home lot are limited to one attached entryway not to exceed 120 square feet, one detached storage or utility building not to exceed 120 square feet, and one detached garage as specified in this section.

e. Carports may not project beyond the front or rear edge of the mobile home. Carports must be set back a minimum of 20 feet from the walkway, a minimum of seven and one-half feet from the lot line, and must be located at least 15 feet from any other mobile home and its attachments.

f. Accessory structures must be attached to proper foundations. Exceptions to foundations may be granted by the building official provided the methods used shall render them rodentproof and resistant to wind damage.

g. Accessory buildings may not be constructed without building permits.

h. Accessory storage or utility structures shall comply with setback and sideyard requirements of the zoning ordinances.

14. Swimming and bathing facilities shall meet the requirements of Title 4 of this code.

*(Ord. 5316, 05-25-04; Ord. 5707, 02-24-09; Ord. 5984, 07-09-13)*

4-08-08. Certification Label. Each mobile home shall be affixed with a permanent label certifying that the mobile home complies with the requirements of the U.S. Department of Housing and Urban Development and is constructed in conformance with the federal mobile home construction and safety standards.

*(Ord. 5316, 05-25-04)*

#### CHAPTER 4-09 RECREATIONAL VEHICLE PARKS

4-09-01. License Required. A person may not maintain or operate a recreational vehicle park without first securing a license to do so.

*(Ord. 5316, 05-25-04)*

4-09-02. Application; Fees.

1. Application for a license for a recreational vehicle park must be filed with the building official. The application shall contain the following:

a. Name and address of the applicant and required fee;

b. The location and legal description of the recreational vehicle park showing all of the recreational vehicle stands, structures and other service facilities.

c. The annual fee for recreational vehicle parks is \$3.00 per space.

2. Applications for renewal of licenses must be made on forms provided and shall be accompanied by the required fee and shall contain any change in information submitted since the original license was issued or the latest renewal granted.

*(Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)*

4-09-03. Duration of License. Every license issued under the provisions of this chapter is valid for a period from July 1st of each year through June 30th of the following year. Such license must be posted in the office or on the premises of the park at all times. Any license issued after July 1st of any year is valid only until the following June 30th.

*(Ord. 5316, 05-25-04)*

4-09-04. Park Standards. Each recreational vehicle park shall comply with the following:

1. It is the duty of the licensee to keep a register of all occupants of the park. The register shall contain the following information:

a. Name and address of each occupant;

b. License number and state issuing the license and owner of each recreational vehicle and automobile if such recreational vehicle is towed;

c. The dates of arrival and departure of each recreational vehicle.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of information contained in the register. The register records must be maintained for a period of three years following the date of registration.

2. The owner or person in charge of any dog, cat or other pet may not permit it to run at large or commit any nuisance within the limits of the recreational vehicle park.

3. Each recreational vehicle park licensed under the provisions of this chapter shall comply with all applicable provisions of the city zoning ordinances.

4. A park may not provide spaces for less than twenty recreational vehicles.

5. The minimum unit area for each recreational vehicle site is at least 1,500 square feet in area. Each space must be marked or clearly defined on the ground.

Each recreational vehicle stand must be designed and constructed to allow for safe and efficient placement and removal of recreational vehicles. The stand must be constructed to minimize the development of ruts or low spots by the vehicle tires. The site must be graded to provide drainage but shall not exceed three inches per ten feet across the width of the stand.

6. The minimum widths of interior roads and driveways serving individual parking sites is twenty feet. All roads and driveways must be surfaced with an all-weather surface. All roads must be well-drained and shall have a minimum internal radius of sixty feet. Turnarounds must be provided for all dead-end roads with a minimum internal radius of sixty feet.

7. Water supply and sanitary sewer provisions must meet requirements of the state plumbing code.

8. Each lot intended for use by recreational vehicles must be provided with an electrical system as required by the city electrical code.

9. An adequate supply of covered garbage containers must be provided in each park and located not more than 200 feet from any space. If cans are provided, they must be maintained in a sanitary condition and stored on racks as required.

10. The city building code applies to all buildings constructed within a park.

11. Swimming and bathing facilities must meet the requirements of Title 4 of this code.

12. Designated outdoor fire locations, if provided, must be in safe and convenient areas where they will not constitute fire hazards to vegetation, undergrowth, trees and recreational vehicles.

13. Primitive camping cabins placed upon and anchored to concrete slabs may occupy five percent of the spaces provided. Such cabins shall not exceed 220 square feet in area and shall provide for no facilities other than sleeping.

(Ord. 4975, 05-25-99; Ord. 5316, 05-25-04)

CHAPTER 4-10  
MECHANICAL CONTRACTOR LICENSING

4-10-01. License Required. Any person that undertakes or performs heating, ventilation or air conditioning (HVAC) work, any mechanical installation, alteration or repair with or for another is required to obtain a mechanical permit from the City of Bismarck. The term "mechanical contractor" does not include subcontractors working for and under the supervision of a mechanical contractor licensed by the City of Bismarck or a home owner performing work on the homeowner's own residence or a building or structure accessory thereto which is intended for the owner's own use.

1. No person shall engage in the heating, ventilation or air conditioning (HVAC) trade (except as provided in section 4-10-02 (Installers) unless:

a. That person holds a current master HVAC installers license;

b. That person holds a current journeyman HVAC installer license and work is done under the direct supervision of a holder of a current master HVAC installer license; or

c. Work is done as an apprentice under the direct supervision and control of the holder of a current master HVAC installer license or the holder of a current journeyman HVAC installer license.

2. An application for a license under this section shall be made to the Bismarck Building Inspection Division and shall be accompanied by the payment of the appropriate fee provided for in Section 4-10-10. If the Building Official determines that the applicant meets the qualification requirements of Section 4-10-02 for the license requested, the applicant shall be allowed to take the license examination. The license examination shall be a test of theoretical and practical knowledge relating to

the HVAC trade which has been approved as to form and content by the Building Official. The examination shall be revised from time to time as deemed necessary to preserve its fairness and relevance. The Building Official shall also generally supervise, administer and grade the examination and shall establish the passing score which an applicant must meet or exceed in order to be qualified to hold a license.

a. If an applicant fails to achieve a passing score on the licensing examination, the applicant may retest when the examination is next offered. An applicant who fails the examination for the second time may not retake the examination for six (6) months after the last failed examination.

b. If the applicant passes the licensing examination and pays the appropriate fee required under Section 4-10-10, the Building Official shall issue a license in the form of a license card and certificate of completion.

c. A license, once issued, may be renewed annually without further application and without further examination upon the timely payment of the appropriate renewal fee unless revoked or suspended as provided in this Chapter.

d. If a person holding a license under this Section allows it to lapse or if it is suspended, such person must reapply for a license, be re-examined, and pay the appropriate application fee in the same manner as a first time application.

e. At the Building Official's discretion, a temporary work permit may be issued to a person who has applied for a license and paid the appropriate application fee. A temporary work permit shall expire upon the date of the license examination.

f. Certain forms of work within the HVAC trade may be performed under the following conditions:

1. The Building Official has specified the type of work in question as being exempt from the general licensing requirements under this section;

2. The work is performed by an employee or proprietor of an enterprise which sells or services HUD certified manufactured homes, or homes;

3. The person performing the work has passed an examination approved by the Building Official; or such person has performed such type of work for at least three (3) years and has been approved by the Building Official for the exception established by this section; and

4. The person has paid an administrative fee per Section 4-10-10 for the initial one-year exemption, and for each year of exemption thereafter.

4-10-02. License Qualifications.

1. In order to be qualified to take the examination for a master HVAC installer license, the applicant:

a. Must have, at the time of taking the examination, at least two (2) years (3,400 work hours) of experience as a licensed journeyman HVAC installer licensed by the City or some other governmental jurisdiction; or

b. Must be licensed as a master HVAC installer by a reciprocal jurisdiction or licensing agency.

2. In order to take the examination for a journeyman's HVAC installer license, the applicant:

a. Must have, at the time of taking the examination, at least four (4) years (7,600 work hours) of experience as an apprentice HVAC installer; or

b. Must be licensed as a journeyman HVAC installer by a reciprocal jurisdiction or licensing agency

3. For purposes of calculating hours of work service as an apprentice HVAC installer, an applicant who has graduated from an accredited trade school, and who has taken at least one thousand twenty (1,020) hours of instruction in HVAC or pipe fitting at such school, is entitled to receive work hour credit for course hours of instruction by multiplying the course hours by a factor, which factor is dependent upon the grade achieved by the applicant for the course. If the grade was a "D" the factor is 1; if a "C" the factor is 1.5; if a "B" the factor is 1.75, and if an "A" the factor is 2.

4. For the purpose of this section, an apprentice HVAC installer is a person who is working as a HVAC installer under the supervision of a licensed master HVAC installer, or a licensed journeyman HVAC installer. For the purpose of this section, it is immaterial whether a licensed HVAC installer is licensed by the City or by another reciprocal jurisdiction.

4-10-03. Single Business Limitation. A master HVAC installer may not exercise privileges as a licensed master for more than one (1) shop or business at a time.

4-10-04. Continuing Education. Each license holder is required to have a total of four (4) hours of continuing education per year. The time and location of such training shall be specified by the Building Official.

4-10-05. Expiration and Renewal. All HVAC installer's licenses shall expire on December 31st of each year. Licenses may be renewed from year to year upon receipt of the required renewal fee per Section 4-10-10. License fees shall be subject to a late charge if paid after January 31st.

4-10-06. Suspension or Revocation of License.

1. The HVAC installer's license may be revoked or suspended by the Building Official should the licensee be found to have violated the provisions of this Chapter or of a mechanical code as adopted by the City. Suspension shall be for a period of one year in the first instance, two years in the second instance, and in the third instance a license shall be permanently revoked.

2. At any time an HVAC installer's license is suspended or revoked by the Building Official, notice of the proposed action and notification of a right to a hearing before the Board of City Commissioners shall be served on the licensee. Any person served with notice shall have the right to a hearing before the board of city commissioners upon written request filed with the City Administration within five days of receipt of a notice of suspension or revocation. Upon receiving the notice of appeal the Board shall set a date for a hearing within twenty days of receipt of the notice of appeal. Notice of the time and place for the hearing must be served upon the licensee by certified mail or in person not less than five days prior to the hearing..

4-10-07 Time of Examination. Regular examinations of applicants shall be conducted in June and December of each year, at such time and place that the Building Official may designate



and may also be held at other times in the discretion of the Building Official.

4-10-08 Passing Grade. A passing grade shall be determined by the Building Official prior to examination. Any applicant who fails to receive a passing grade shall be eligible to take a subsequent examination subject to Section 4-10-01(2)(a).

4-10-09 Apprentice to Journeyman Ratio. The apprentice to journeyman ratio shall be five (5) to one (1) with a minimum of one (1) journeyman HVAC installer at each project under the direct supervision of a master HVAC installer.

4-10-10 Fees. The fees imposed under this Section are as follows:

1. Class A master HVAC installer certification:  
Application fee of thirty five (\$35.00) dollars  
Annual fee of one hundred twenty five (\$125.00) dollars
2. Class B Journeyman HVAC installer certification  
Application fee of thirty five (\$35.00) dollars  
Annual fee of seventy five (\$75.00) dollars
3. Class C Apprentice HVAC installer certification  
Application fee of fifteen (\$15.00) dollars  
Annual fee of thirty five (\$35.00) dollars
4. Administrative fee (\$125.00) dollars  
Year of exemption fee (\$125.00) dollars  
Late fee shall be %20 of the application or annual fee.