



North Dakota State Building Code



**Effective
January 1, 2011**

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**ALTERNATIVE FORMATS FOR PERSONS WITH DISABILITIES
ARE AVAILABLE UPON REQUEST**

TABLE OF CONTENTS

Section 1: Acknowledgments	1
Section 2: Introduction.....	2
Section 3: History of the North Dakota Building Code	3
Section 4: Current North Dakota State Building Code.....	4
Section 5: Requirement to Adopt the North Dakota State Building Code	5
Section 6: North Dakota Century Code Chapter 54-21.3-03	6
Section 7: Scope of the State Building Code	12
Section 8: How to Use the North Dakota State Building Code and the 2009 International Energy Conversation Code	13
Section 9: Chapter 1 of Each International Code and Fee Schedule	14
Section 10 Identification of Amendments	15
Section 11 2009 International Residential Code Amendments	16
Section 12 2009 International Building Code Amendments	36
Section 13 2009 International Mechanical Code Amendments.....	48
Section 14: 2009 International Fuel Gas Code Amendments.....	52
Section 15: Americans with Disabilities Act Accessibility Guidelines (ADAAG).....	58
Section 16: ADAAG Conformance Statement	59
Section 17: Sample Ordinance to Adopt the State Building Code	60
Section 18: Code Enforcing Jurisdictions in North Dakota	61
Section 19: Administrative Rule (Article 108, Chapter 108-01)	64
Section 20: Other Code Enforcing Programs of North Dakota	71

ACKNOWLEDGMENTS

The updating of the North Dakota State Building Code would not have been possible without the assistance of the Building Code Advisory Committee and the cities, counties, and organizations that were deemed eligible under the Administrative Rule (Article 108-01) and N.D.C.C. 54-21.3-03 were available to vote during the updating process. Their interest and expertise have resulted in a state building code that not only consists of the most up-to-date codes (the 2009 International Codes), but also reflects the needs and concerns of the jurisdictions of the state in amendments to those codes. We would also like to thank the cities of Fargo, Devils Lake, Grand Forks and Minot and North Dakota Chapter of the American Institute of Architects for proposing amendments to the 2009 International Codes for consideration in updating the State Building Code.

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INTRODUCTION

The purpose of this document is to identify the building and related codes and state amendments to those codes that together make up the North Dakota State Building Code. Also included in this document are a brief history of the state building code; information on how to obtain copies of the five codes that make up the state building code; the state law (N.D.C.C. 54-21.3) that provides for the state building code; the American with Disabilities Act Accessibility Guidelines (ADAAG) Conformance Statement; and a sample ordinance for local adoption of the state building code.

HISTORY OF THE NORTH DAKOTA STATE BUILDING CODE

In 1979, the 46th North Dakota Legislative Assembly created the North Dakota State Building Code. At the same time, the Legislature amended N.D.C.C. Sections 11-33-01, 40-47-01, and 58-03-11 relating to the authority of cities, townships, and counties to zone to reflect compliance with the state building code. The Legislature directed that the state building code would consist of the Uniform Building Code published by the International Conference of Building Officials. In 1985, the 49th Legislative Assembly added the Uniform Mechanical Code, also published by the International Conference of Building Officials.

Until 1991, the Legislature maintained the authority to update the state building code, but this process did not permit the state to update the state building code in a timely manner as new editions of the Uniform Building Code and Uniform Mechanical Code were published. In 1991, the Legislature provided for the state building code to be updated as new editions of the codes are published. This procedure, however, was later declared unconstitutional. As a result, in 1993 the Legislative Assembly shifted the responsibility for updating the state building code to the Office of Management and Budget, which then designated the Office of Intergovernmental Assistance (now the Division of Community Services) to adopt rules to implement and periodically update and to amend the code. The Legislative Assembly also directed in 1993, that effective August 1, 1994, any city, township, or county that elects to administer and enforce a building code shall adopt and enforce the state building code. However, the Legislative Assembly also provided for the ability for a city, county, or township to amend the state building code to conform to local needs. The first Administrative Rule (Article 4-08-01) for updating the state building code became effective December 1, 1994.

In 2001, the 57th Legislative Assembly amended N.D.C.C. 54-21.3-03, deleting the reference to the Uniform Building Code and Uniform Mechanical Code because they were no longer being published. In their place, the Legislative Assembly designated the International Building Code, International Residential Code, International Mechanical Code, and International Fuel Gas Code as the codes that would make up the state building code. The first version of these codes to be adopted was the 2000 edition. The Legislative Assembly also created a Building Code Advisory Committee to help write administrative rules and to develop recommendations on proposed code amendments. A new Administrative Rule (Article 108, Chapter 108-01) to implement, amend, and periodically update the state building code became effective July 22, 2002.

In 2004 the Building Code Advisory Committee and the eligible local jurisdictions adopted the 2003 edition of the International Building Code, International Residential Code, International Mechanical Code, and International Fuel Gas Code with amendments.

In 2007 the Building Code Advisory Committee and the eligible local jurisdictions adopted the 2006 edition of the International Building Code, International Residential Code, International Mechanical Code, and International Fuel Gas Code with amendments.

In 2009 the Building Code Advisory Committee and the eligible local jurisdictions made additional amendments to the State Building Codes.

In 2010 the Advisory Committee and eligible jurisdictions adopted the 2009 versions of the IBC, IRC, IMC and IFGC with amendments. In addition, in accordance with the State Legislature, the energy conservation provisions of the IBC (Chapter 13) and IRC (Chapter 11) were retained with minor amendments.

CURRENT NORTH DAKOTA STATE BUILDING CODE

Effective January 1, 2011, the North Dakota State Building Code consists of the 2009 International Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC), and International Fuel Gas Code (IFGC) published by the International Code Council (ICC). **NO APPENDICES ARE ADOPTED.**

Also note that the State Building Code does not include the International Property Maintenance Code, or the International Fire Code. These codes, to be in effect, must be adopted separately by each city, county, or township.

To obtain copies of these codes, contact:

International Code Council
4051 W Flossmoor Road;
Country Club Hills, IL 60478-5771
[P] 1-888-ICC-SAFE (422-7233); [F] 1-800-214-7167

Additionally, the 2009 International Residential Code (IRC) is available from the North Dakota State Library; it can be borrowed at no charge for up to four weeks.

North Dakota State Library
604 East Boulevard Avenue
Bismarck, ND 58505
[P] 1-701-328-4622; [P] 1-800-472-2104

We encourage each city, township, and county that has elected or elects to enforce building codes to contact the International Code Council to become a member. This will entitle the jurisdiction to certain free publications, member rates for books and materials, and free technical assistance.

REQUIREMENT TO ADOPT THE NORTH DAKOTA STATE BUILDING CODE

Effective August 1, 1994, N.D.C.C. 54-21.3-03 cities, townships, and counties that elect to enforce a building code are responsible for adopting and enforcing the state building code, but may amend the code to conform to local needs.

State agencies are responsible for assuring that plans and specifications for alterations and new construction of their buildings comply with the state building code, and that all work is inspected for compliance with the state building code. Schools located in jurisdictions that have not elected to adopt and enforce the state building code are responsible for assuring that plans and specifications for alterations and new construction comply with the state building code.

Local governments that have not elected to adopt and enforce the state building code are responsible for assuring that plans and specifications for alterations and new construction of their buildings comply with the state building code.

**NORTH DAKOTA CENTURY CODE
CHAPTER 54-21.3
STATE BUILDING CODE**

54-21.3-01. Purposes of Chapter. The purposes of this chapter are to:

1. Provide the citizens of this state with nationally recognized standards and requirements for construction and construction materials.
2. Eliminate restrictive, obsolete, conflicting, and unnecessary construction regulations that tend to increase construction costs unnecessarily or restrict the use of new materials, products, or methods of construction or provide preferential treatment to types or classes of materials or products or methods of construction.
3. Ensure adequate construction of buildings throughout the state and to adequately protect the health, safety, and welfare of the people of this state.

54-21.3-02. Definitions. As used in this chapter, unless the context requires otherwise:

1. "Agricultural purposes" includes purposes related to agriculture, farming, ranching, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.
2. "Building" means a combination of any materials fixed to form a structure and the related facilities for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof".
3. "City" means any city organized under the laws of this state.
4. "Construction" means the construction, erection, reconstruction, alteration, conversion, or repair of buildings.
5. "Jurisdictional area" means the area within which a city or township has zoning jurisdiction.
6. "State building code" means the state building code provided for in this chapter.
7. "Temporary work camp housing" includes a modular residential structure used to house workers on a temporary basis for a maximum period of five years.
8. "Code enforcement agency" means an agency of the state or local government with authority to inspect buildings and enforce the law, ordinances, and regulations which establish standards and requirements applicable to the construction, installation, alteration, repair, or relocation of buildings.

54-21.3-03. State building code.

1. The department of commerce, in cooperation with the state building code advisory committee, shall adopt rules to implement, amend, and periodically update the state building code, which must consist of the international building, residential, mechanical, and fuel gas codes.
2. The state building code advisory committee consists of:
 - a. Two representatives appointed by the North Dakota building officials association, one of whom must be from a jurisdiction of fewer than ten thousand people.
 - b. One representative appointed by the North Dakota chapter of the American institute of architects.
 - c. One representative appointed by the North Dakota society of professional engineers.
 - d. One representative appointed by the North Dakota association of builders.
 - e. One representative appointed by the North Dakota association of mechanical contractors.
 - f. One representative appointed by the associated general contractors.
 - g. A fire marshal appointed by the state fire marshal.
 - h. One individual appointed by the state electrical board.
3. The state building code advisory committee shall meet with the department of commerce or a designee of the commissioner of commerce at least once each calendar year to address proposed amendments to the state building code. The department of commerce may not adopt an amendment to the state building code unless the amendment is approved by a majority vote of:
 - a. One representative appointed by the North Dakota chapter of the American institute of architects;
 - b. One representative appointed by the North Dakota society of professional engineers;
 - c. One representative appointed by the North Dakota association of builders;
 - d. One representative appointed by the North Dakota association of mechanical contractors;
 - e. One representative appointed by the associated general contractors; and
 - f. Representatives of eligible jurisdictions as established by administrative rule.

4. a. The state building code or a building code adopted by a city, township, or county may not include a requirement that fire sprinklers be installed in a single family dwelling or a residential building that contains no more than two dwelling units.
- b. The state building code, plumbing code, electrical code, or an equivalent code adopted by political subdivision must provide that a building designed for and used as a school portable classroom may be constructed and inspected as a temporary structure as defined by the state building code or may be permitted as a permanent school portable classroom. The foundation system of such a structure must comply with the recommendations of the manufacturer's engineering report for a pre-engineered unit or a structural engineer's report. Frost - free footings may not be required for a temporary structure that meets the requirements of the state building code unless required by an engineering report. Temporary electrical and plumbing installations may be allowed for any structure by the governmental entities governing those areas of construction or the applicable codes.
5. For the purposes of manufactured homes, the state building code consists of the manufactured homes construction and safety standards under 24 CFR 3280 adopted pursuant to the Manufactured Housing Construction and Safety Standards Act [42 U.S.C. 5401 et seq.].
6. The governing body of a city, township, or county that elects to administer and enforce a building code shall adopt and enforce the state building code. However, the state building code may be amended by cities, townships, and counties to conform to local needs.
7. A modular residential structure or a prebuilt home placed in the state must be constructed in compliance with the state building code. A modular residential structure or a prebuilt home placed in a jurisdiction that has amended the state building code must be constructed in compliance with the state building code and the amendments adopted by that jurisdiction.

54-21.3-04. Exemptions.

1. Except as specifically provided in this chapter, the following statewide codes are exempt from this chapter:
 - a. The Standards for Electrical Wiring and Equipment, as contained in North Dakota Administrative Code article 24-02.
 - b. The State Plumbing Code, as contained in North Dakota Administrative Code article 62-03.
 - c. The State Fire Code, as contained in the rules of the state fire marshal as provided in section 18-01-04.
2. The following buildings are exempt from this chapter:
 - a. Buildings which are neither heated nor cooled.

- b. Buildings used whose peak design rate of energy usage is less than one watt per square foot [929.0304 square centimeters] or three and four-tenths British thermal units an hour per square foot [929.0304 square centimeters] of floor area.
 - c. Restored or reconstructed buildings deliberately preserved beyond their normal term of use because of historical associations, architectural interests, or public policy, or buildings otherwise qualified as a pioneer building, historical site, state monument, or other similar designation pursuant to state or local law.
3. Any building used for agricultural purposes, unless a place of human habitation or for use by the public, is exempt from this chapter.

54-21.3-04.1. Accessibility Standards.

Notwithstanding section 54-21.3-04, every building or facility subject to the federal Americans with Disabilities Act of 1990 [Pub. L. 101-336;104 Stat. 327] must conform to the accessibility standards of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36]. State and political subdivision entities may not claim the exceptions to the requirement that elevators be installed in certain buildings as those exceptions are stated in exception 1 to section 4.1.3(5) and in section 4.1.6(1)(k)(i) in the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities found in the appendix to 28 CFR 36. A structural change to an existing state or political subdivision building or facility is not required if another method is effective in achieving compliance with regulations adopted under Public Law 101-336. For public accommodations, an alternative to a structural change in existing buildings or facilities is permitted only after it has been documented, in accordance with regulations adopted under Public Law 101-336, that a particular structural change is not readily achievable. A state agency or the governing body of a political subdivision shall require from any person preparing plans and specifications for a building or facility subject to the Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327], a statement that the plans and specifications are, in the professional judgment of that person, in conformance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities found in the appendix to 28 CFR 36, subject to the exception stated in this section. A statement of conformance must be submitted to the department of commerce division of community services for recording.

54-21.3-04.2. Notice of Federal Accessibility Guidelines Required. A building permit issued under section 11-33-18, subsection 6 of section 40-05-02, or other similar grant of authority must contain the following statement:

Federal law may require this construction project to conform with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

54-21.3-05. Enforcement of Code by City, Township, or County - Relinquishment. A city or township may administer and enforce the state building code only within its jurisdictional area. A county may administer and enforce the state building code within those areas of the county in which the state building code is not administered by a city or township. Cities and townships may relinquish their authority to administer and enforce the state building code to the county in

which they are located in the manner provided by section 11-33-20. The governing body of a city, township, or county electing to administer and enforce the state building code may designate an enforcement agency. Cities, townships, and counties may provide by agreement for joint administration and enforcement and may contract for private enforcement of the state building code.

54-21.3-06. Continuing education - Responsibility. Repealed by S.L. 1983, ch. 511, § 8.

54-21.3-07. Modular Residential and Commercial Structures - Third-party Inspections - Rules. The manufacturer of a modular residential or commercial structure that is built in a factory shall contract with a third party for the inspection of the structure for compliance with all applicable building, electrical, fire, and plumbing codes and standards during the manufacturing process in the factory. A third party that conducts inspections and certifies compliance with all applicable codes and standards must be approved as a certified third-party inspector by the division of community services. The department of commerce shall adopt rules for the certification of inspectors and for the procedures to be followed in conducting inspections of modular residential and commercial structures. When a manufacturer of modular residential or commercial structures contracts with a certified third-party inspector to monitor compliance with all applicable building, electrical, fire, and plumbing codes and standards for a modular residential or commercial structure, no further inspection by state or local building, electrical, fire, or plumbing inspectors may be required for that structure during the manufacturing process in the factory. This section does not apply to a factory manufacturing fewer than two residential or commercial structures per year.

54-21.3-08. Adoption of an Installation Program - Penalty. The Department of Commerce shall adopt rules establishing a manufactured home installation program for all manufactured homes built in accordance with the manufactured homes construction and safety standards under 24 CFR 3280 adopted pursuant to the Manufactured Housing Construction and Safety Standards Act [42 U.S.C. 5401 et seq.]. The rules must establish minimum installation standards. The rules may include standards, fees, and requirements for certification and training of installers, inspections of installations, dispute resolution, penalties for noncompliance, and costs of processing complaints. The standards do not apply to manufactured homes installed before the original effective date of the rules. Manufactured homes may be installed in accordance with either standards adopted in the rules or the manufacturer's instructions. The rules must include provisions for the enforcement of these standards. Any person who violates this section or any rule adopted under this section is guilty of a class A misdemeanor.

54-21.3-09 Used Temporary Work Camp Housing - Exemption.

State or local government code enforcement agencies may allow exemptions or accept alternate methods for construction and placement of temporary work camp housing that has been previously used as housing or temporary work camp housing in a different location, provided that the waiver does not substantially compromise the health or safety of workers. This authority is granted to code enforcement agencies enforcing the State Building Code, the State Electrical Code, and the State Plumbing Code when acting within their existing jurisdiction. This section does not apply to newly constructed temporary work camp housing.

1. State or local government code enforcement agencies, acting within their existing jurisdiction, may conduct a nondestructive walkthrough inspection of previously used temporary work camp housing to ensure compliance with applicable codes, including the State Building Code, State Electrical Code, and State Plumbing Code. If the housing is found to be compliant with these codes, or to not substantially compromise the health or safety of workers pursuant to a waiver under this section, the code enforcement agency may issue a limited certificate of inspection, which is effective for a period of five years. Residents may not be permitted to move into or live in temporary work camp housing unless the housing has a current limited certificate of inspection or has been found to meet all applicable codes and requirements by any code enforcement agency having jurisdiction.
2. The applicable codes, including the State Building Code, the State Electrical Code, and the State Plumbing Code, are applicable as a standard for liability in legal actions against owners or operators of temporary work camp housing if exemptions are granted.
3. An owner of temporary work camp housing has the duty to remove that housing and all related above-grade and below-grade infrastructure within one hundred twenty days after the temporary work camp housing is vacated. Any city or county may abate any public nuisance caused by vacated temporary work camp housing within its jurisdiction. An owner of temporary work camp housing shall provide the city or county where the temporary work camp housing is installed with a surety bond, letter of credit, or other security instrument in the form and in an amount specified by the city or county. These funds must be used to cover actual expenses that may be incurred by the city or county in removal of the temporary work camp housing, including any above - grade or below grade infrastructure. The owner is liable for any expenses that are reasonably incurred by the city or county which exceed the amount of the security.

SCOPE OF THE STATE BUILDING CODE

Administrative Rule Article 108, Chapter 108-01, provides for the following scope for the state building code:

1. It supplements all laws defined within the North Dakota Century Code relating to construction, alterations, improvements, and siting of buildings unless specifically exempted.
2. It applies to all cities, townships, and counties that elect to adopt and enforce building codes within their jurisdictional boundaries.
3. It applies to all state and local government buildings.
4. It applies to all public and private schools.

HOW TO USE THE NORTH DAKOTA STATE BUILDING CODE

FIRST: You must obtain the 2009 edition of the IBC, IRC, IMC, and IFGC. See page 4 for obtaining these codes.

SECOND: Wherever the International Plumbing Code and International Electrical Code are referenced, you must substitute the reference with the North Dakota State Plumbing Code and the Wiring Standards of North Dakota. Also note that the State Building Code does not include the International Property Maintenance Code or the International Fire Code. These codes, to be in effect, must be adopted separately by each city, county, or township.

THIRD: When using the IBC, IRC, IMC, and IFGC you should first identify if a particular section or chapter is amended by the state. State agencies, local governments, and schools must use the state building code and may only use less restrictive code provisions contained in the state amendments. Local jurisdictions may not impose more restrictive code provisions on state buildings unless they are included in the state amendments.

FOURTH: In chapter 11 of the IRC you have the choice of meeting the IRC requirements or meeting the International 2009 Energy Conservation Code (IECC) requirements.

N1101.2 Compliance. Compliance shall be demonstrated by either meeting the requirements of the 2009 *International Energy Conservation Code* or meeting the requirements of this chapter.

In chapter 13 of the IBC you must meet the IECC requirements.

1301.1.1 Criteria. Buildings shall be designed and constructed in accordance with the 2009 *International Energy Conservation Code*.

The IECC can be obtained from the International Code Council with the information on page 4.

**CHAPTER 1 OF EACH
INTERNATIONAL CODE AND FEE SCHEDULE**

Chapter 1 of each of the four International Codes that make up the state building code is entitled Administration. The provisions in the Chapter provide for the administration and enforcement of each code by the enforcing jurisdiction.

It is up to each jurisdiction that elects to adopt the building code, to determine how it will administer and enforce the state building code.

One area no longer included in the International Codes is the suggested permit fee schedule. For your reference, included below is the suggested fee schedule from the 1997 Uniform Building Code:

Table 1-A Building Permit Fees	
Total Valuation	Fee
\$1.00 to \$500	\$23.50
\$501 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.
\$2,001 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.
\$25,001 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.
\$50,001 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.
\$100,001 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00.
\$500,001 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof.
Other Inspections and Fees:	
1. Inspections outside of normal business hours..... (minimum charge - two hours)	\$47.00 per hour ¹
2. Re-inspection fees assessed under provisions of Section 305.8	\$47.00 per hour ¹
3. Inspections for which no fee is specifically indicated	\$47.00 per hour ¹ (minimum charge - one-half hour)
4. Additional plan review required by changes, additions or revisions to plans..... (minimum charge - one-half hour)	\$Actual Costs ²
5. For use of outside consultants for plan checking and inspections, or both.....	\$47.00 per hour ¹

¹Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

²Actual costs include administrative and overhead costs.

IDENTIFICATION OF AMENDMENTS

This section presents the adopted state amendments to the 2009 edition of the International Building Code, International Residential Code, International Mechanical Code, and International Fuel Gas Code. These amendments were approved through the voting procedures in Article 108-01 of the North Dakota Administrative Code on September 15th and 16th of 2010. The amendments to each code are presented separately, with each Chapter and section containing an amendment highlighted in bold letters and numbers. The type of amendment made to the section, table, or figure is indicated by the terms revise, add, or delete underneath the section, table, or figure number. Wherever a new section is added, the notice to add appears in bold letters above the new section designation. The following describes what each designation means:

- **Revise** - indicates that a chapter, section, table, or figure has been changed due to a deletion or substitution. Substituted language or specifications are underlined, and new tables or figures are identified
- **Add** - indicates new language or specifications have been added, without changing existing language or specifications. Additions are underlined.
- **Delete** - indicates complete deletion of a chapter, section, table, or figure or reassignment as an Appendix.

AMENDMENTS FOR 2009 INTERNATIONAL RESIDENTIAL CODE

NOTE: Wherever the International Plumbing Code and International Electrical Code referenced, substitute the reference with the North Dakota State Plumbing Code and Wiring Standards of North Dakota.

CHAPTER 1 SCOPE AND ADMINISTRATION

Section R104.8

Revise as follows:

The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the jurisdiction's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section R104.10.1

Section R104.10.1 is hereby deleted in its entirety.

Section R105.2

Revise as follows:

Work exempt from permit.....

Building:

1. One-story detached accessory structures, provided the floor area does not exceed 120 square feet.

2. Fences not over 8.5 feet high.
* * *
7. Swimming pools.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not require additional support.
10. Deleted

Section R106.1.3

Section R106.1.3 is hereby deleted in its entirety.

Section R108.3

Revise as follows:

R108.3 Building permit valuations.

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

Section R112.2.1

Section R112.2.1 is hereby deleted in its entirety.

Section R112.2.2

Section R112.2.2 is hereby deleted in its entirety.

CHAPTER 2 DEFINITIONS

Section R201.3 Terms defined in other codes.

Revise as follows:

Where terms are not defined in this code, such terms shall have meanings ascribed to them as in other code publications of the International Code Council. Wherever the term 'International Plumbing Code' and/or 'International Private Sewage Disposal Code' is used in the International Residential Code, it shall mean the North Dakota State Plumbing Code. Wherever the term 'ICC Electrical Code' is used in the International Residential Code, it shall mean the North Dakota State Wiring Standards.

CHAPTER 3 BUILDING PLANNING

Section R301.2.4

Section R301.2.4 is hereby deleted in its entirety.

Section R301.6

Add as follows:

After the last sentence of Section R301.6 add, “Roof loads shall include dead loads for any roof-mounted equipment such as solar panels or photovoltaic cells.”

Table R302.1

Revise as follows:

Table R302.1 third and fourth columns are hereby amended as follows:

Reference to section R317.3 is changed to Section R302.4 and entries in column four are changed as follows:

<3 feet
≥3 feet
2 feet
3 feet
< 3 feet
3 feet
5 feet
< 5 feet
5 feet

** Add foot note behind (walls 1) – 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 33 through 42. Penetrations of electrical outlet boxes shall be in accordance with section 302.4

Section R302.2 Townhouses.

Revise as follows:

Each *townhouse* shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exception: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

Table R302.6

Revise as follows:

Garages located less than 6 feet from the dwelling unit on the same lot.

Section R307.1 Space required.

Revise as follows:

Fixtures shall be spaced in accordance with the requirements of Section P2705.1, with the exception of the clearance in front of water closets and bidets which shall be at least 24 inches.

Section R309.3

Section R309.3 is hereby deleted in its entirety.

Section R310.1 Emergency escape and rescue required.

Revise as follows:

Basements and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section 310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

Exceptions:

1. Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²)
2. Below grade emergency escape and rescue windows may have a maximum sill height of 48 inches.

Section R310.1.1

Delete the exception.

Section R310.2.1 Ladder and steps.

Revise as follows:

Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position or, install a minimum 30"x16" permanently attached platform in the window well, that will reduce the vertical depth of the window well to no more than 42" below the top of the window well and that will not impede the operation of the window. Ladders or steps required by this section shall not be required to comply with Sections R311.5 and R311.6. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

Exception: Terraced window wells with a maximum of 24" per vertical rise and minimum of 12" horizontal projections on each level shall also be allowed in accordance with Figures 310.2.1(1) and 310.2.1(2).

Section R311.3.2 Floor elevations for other exterior doors.

Revise as follows:

Doors other than the required egress door shall be provided with landings or floors not more than 8 inches (203 mm) below the top of the threshold.

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

Section R311.7.4.1 Riser height.

Revise as follows:

The maximum riser height shall be 8 inches. The riser shall be measured vertically between leading 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 (9.5 mm).

Section R311.7.4.2 Tread depth.

Revise as follows:

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 (9.5 mm). 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 S(9.5 mm) of the rectangular tread depth.

Exception:

1. Where a landing is not provided or required by section 311.3.2, the top tread of a stair serving exterior doors other than the required exit door, and in-swinging doors opening into an attached garage, shall be permitted to exceed the smallest tread by more than 3/8 inch (9.5mm). Such a tread shall be at least 18 inches (457mm) measured in the direction of travel.

Winder treads shall have a minimum tread depth of 9 inches...

(Balance to remain unchanged)

Section R311.7.5

Revise as follows:

Exceptions:

1. 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.
2. A landing is not required where a stairway with a total rise of less than 30 inches (762 mm) is located on the exterior side of the door, provided the door does not swing over the stairway.

A flight of stairs shall not have a vertical rise larger than 12 feet (3658 mm) between floor levels or landings. The width of each landing shall not be less than the width of the stairway served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

Section R312.1

Revise as follows:

Where Required: Guards shall be located along open-sided walking surfaces, stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically to the floor or grade below. Insect screening shall not be considered as a guard.

Section R312.2

Revise as follows:

Required guards at open-sided walking surfaces, including stairs, porches, balconies or landings, shall be not less than 36 inches high measured vertically above the adjacent walking surface, or the line connecting the leading edges of the treads.

Section R313

Section R313 is hereby deleted in its entirety.

Section R314.3 Location.

Revise as follows:

Smoke alarms shall be installed in the following locations:

* * *

3. On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. 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 (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

Section R322

Section R322 is hereby deleted in its entirety.

CHAPTER 4 FOUNDATIONS

R401.1 Application.

Revise as follows:

The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding shall meet the provisions of the jurisdiction's flood proofing code and any other applicable requirements of the jurisdiction. Wood foundations shall be designed and installed in accordance with AF&PA PWF.

R401.3 Drainage.

Revise as follows:

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.

Section R403.1.4.1

Revise as follows:

Exceptions:

1. Protection of freestanding accessory structures of light framed construction shall not be required.
2. Protection of freestanding accessory structures with an area of 400 square feet or less, of other than light-framed construction shall not be required.
3. Decks need not be provided with footings that extend below the frost line.

R404.1.2.2 Reinforcement for foundation walls.

Revise as follows:

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), R404.1.2(8), R404.1.2(10) or R404.1.2(11). Vertical reinforcement for flat *basement* walls retaining 4 feet (1219 mm) or more of unbalanced backfill is permitted to be determined in accordance with Table R404.1.2(9) and Figures 404.1.2(1) and 404.1.2(2). For *basement* walls supporting above-grade concrete walls, vertical reinforcement shall be 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.

Figure R404.1.2 (1)

Add as follows:

FIGURE R404.1.2 (1) referred to in Section 404.1.2

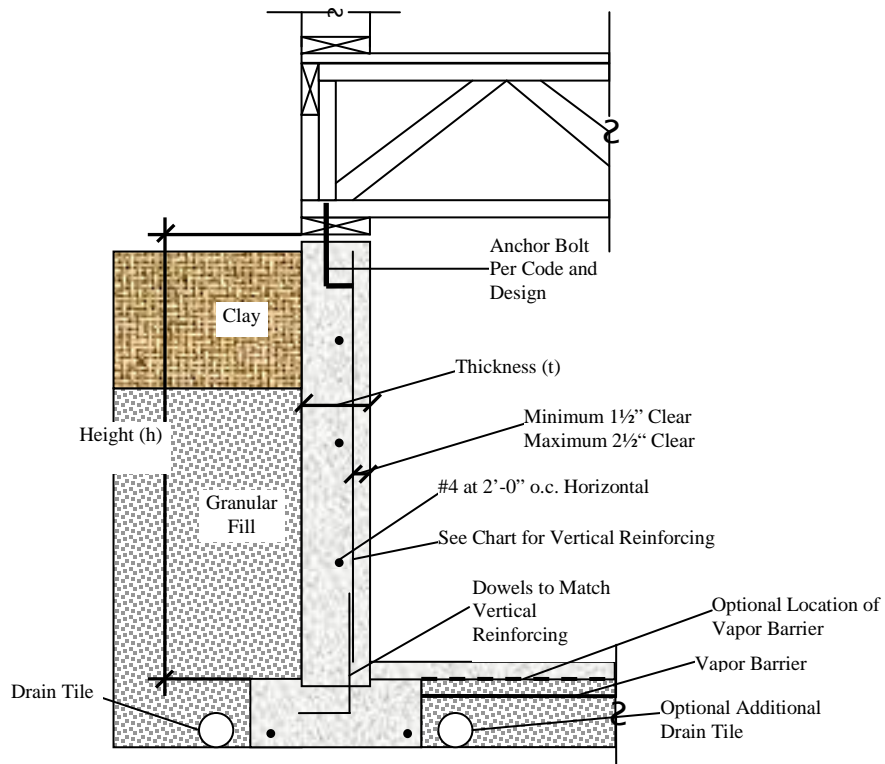


FIGURE R404.1.2(2), referred to in Section 404.1.2

Add as follows:

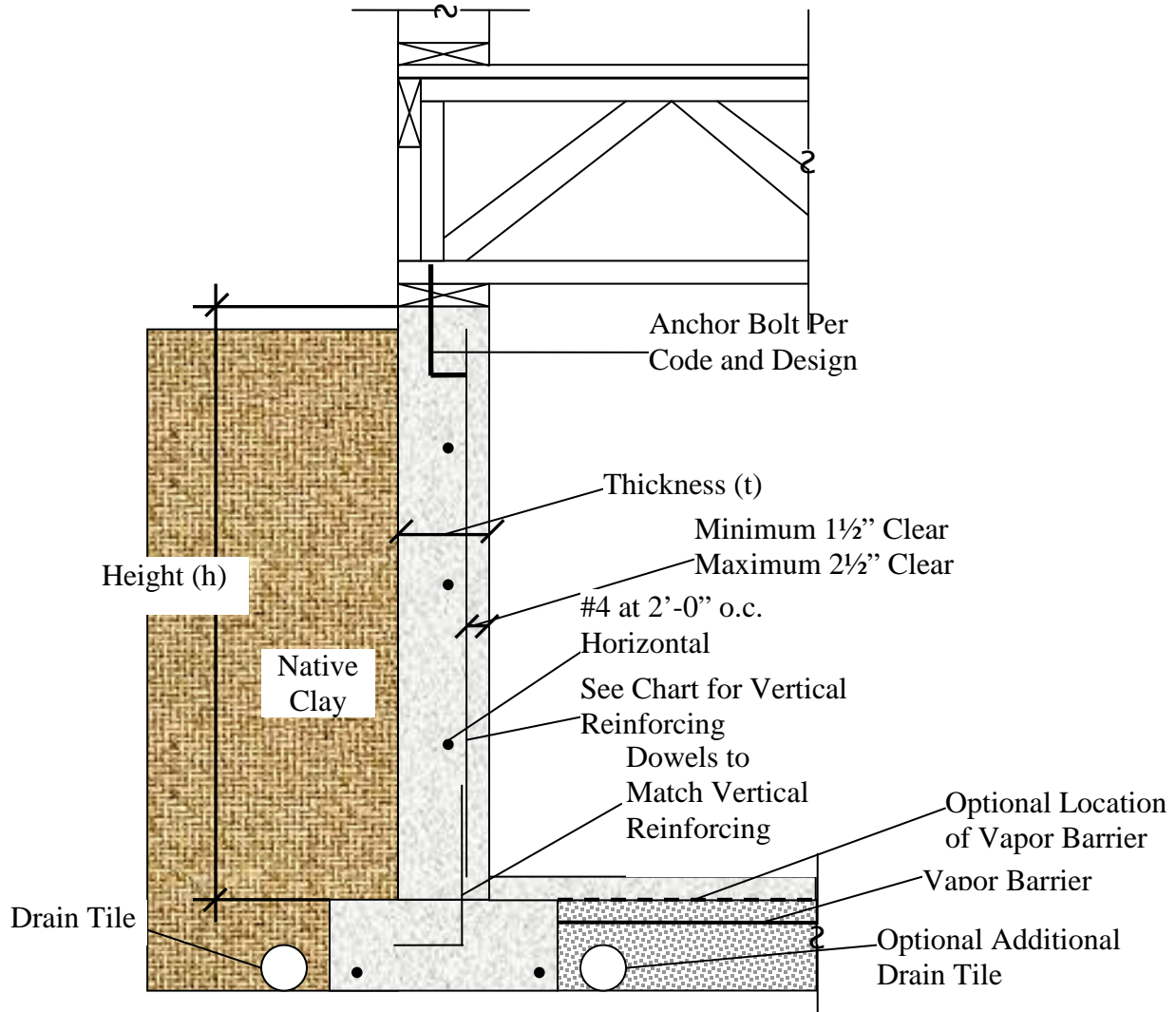


Table R404.1.2 (10)

Add as follows:

**Table R404.1.2(10)
Foundation Wall Reinforcing**

Active Pressure = 45pcf

Minimum Reinforcement for Concrete Foundation Walls		
Wall Height (h) feet	Wall Thickness (t) inches	Vertical Reinforcing
8	8	#4 @ 24" o.c. #5 @ 40" o.c.
	10	#4 @ 30" o.c. #5 @ 50" o.c.
9	8	#4 @ 18" o.c. #5 @ 28" o.c.
	10	#4 @ 24" o.c. #5 @ 36" o.c.
10	10	#4 @ 16" o.c. #5 @ 26" o.c.

Notes:

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

Table R404.1.2(11)

Add as follows:

**Table R404.1.2(11)
Foundation Wall Reinforcing****Active Pressure = 65 pcf**

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

Notes:

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

Section R405.2.3 Drainage System

Revise as follows:

In other than Group I soils, a sump shall be provided to drain the porous layer and footings. The sump shall be at least 18 inches in diameter or 16 inches square, shall extend at least 24 inches (610 mm) below the bottom of the basement floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an approved sewer system or to daylight.

CHAPTER 5 FLOORS

Section R506.2.3

Section R506.2.3 is hereby amended to add an exception 5 to read as follows:

Exceptions:

5. for attached garages.

CHAPTER 6 WALL CONSTRUCTION

Section R602.10 Wall Bracing.

Revise as follows:

Buildings shall be braced in accordance with this section. Where a building, or portion thereof, does not comply with one or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with Section R301.1.

Exceptions:

1. Detached one- and two-family *dwelling*s located in Seismic Design Category C are exempt from the seismic bracing requirements of this section. Wind speed provisions for bracing shall be applicable to detached one- and two-family *dwelling*s.
2. The wall bracing requirements of section R602.10 of the 2006 International Residential Code may be used as an alternative to this section.

CHAPTER 7 WALL COVERING

Section R703.6.2 – Plaster

Revise as follows:

Plastering with portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete, pressure-preservative treated wood or decay-resistant wood as specified in Section R319.1 or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1). Approved decorative coatings applied to a concrete or masonry surface shall be installed in accordance with the manufacturer's installation instructions.

CHAPTER 9 ROOF ASSEMBLIES

Section R903.5 and Figure R903.5 Hail Exposure.

Section R903.5 and Figure R903.5 are hereby deleted in its entirety.

Section R905.2.5 Fasteners.

Revise as follows:

Fasteners for asphalt shingles shall be galvanized steel, stainless steel, aluminum or copper roofing nails, minimum 12 gage [0.105 inch (2.67 mm)] shank with a minimum 3/8 inch (9.5 mm) diameter head, ASTM F 1667, of a length to penetrate through the roofing materials and a minimum of 3/4 inch (19.1 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 (19.1 mm) thick, the fasteners shall penetrate through the sheathing. Fasteners shall comply with ASTM F 1667.

Section R907

Section R907 is hereby deleted in its entirety and relocated to the Appendices as Appendix R.

CHAPTER 11 ENERGY EFFICIENCY

Table R1102.1

Revise as follows:

For climate zones 6, 7, and 8, under “Wood Frame Wall R-Value” column, delete listed values and replace with R-19 in both cases.

Section N1103.1.1

Section N1103.1.1 is hereby deleted in its entirety.

Section N1103.2.2 Sealing.

Revise as follows:

Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4.

Section N1104.1

Section N1104.1 is hereby deleted in its entirety.

CHAPTER 13 GENERAL MECHANICAL SYSTEM REQUIREMENTS

Section M1301.1.1

Section M1301.1.1 is hereby deleted in its entirety.

CHAPTER 14 HEATING AND COOLING EQUIPMENT

Section M1401.5

Section M1401.5 is hereby deleted in its entirety.

CHAPTER 15 EXHAUST SYSTEMS

Section M1502.4.4.1. Specified Length.

Revise as follows:

The maximum length of the exhaust duct shall be 35 (10668 mm) feet from the connection to the transition duct from the dryer to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table M1502.4.4.1.

CHAPTER 16 DUCT SYSTEMS

Table M1601.1.1(2)

Revise as follows:

Table M1601.1.1(2) is hereby amended as follows:

Under the column titled "Equivalent Galvanized Sheet No.", for Round ducts and enclosed rectangular ducts 14 inches or less, delete "28" and replace with "30".

Section M1601.4.9

Section M1601.4.9 is hereby deleted in its entirety.

M1603 General.

Add as follows:

The minimum unobstructed total area of supply and return air ducts from a warm-air furnace shall be in accordance with the manufacturer's installation instructions, but shall not be less than 2 square inches (1290 MM sq) for each 1,000 Btu/h (293W) output rating of the furnace. The minimum unobstructed total area of the supply and return air ducts from a central air-conditioning unit and/or heat pump shall be in accordance with the manufacturer's installation instructions, but shall be not less than 6 square inches (3870 mm sq) for each 1,000 Btu/h (293W) nominal cooling output rating. Dampers, grilles, or registers installed for the purpose of controlling the supply airflow shall not be considered as obstructions.

CHAPTER 17 COMBUSTION AIR

Section M1701.2.1

Add as follows:

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

CHAPTER 18 CHIMNEYS AND VENTS

Section M1801.1 Venting required.

Revise the first sentence as follows: the balance of the section remains unchanged.

Fuel-burning appliances shall be vented to the outside in accordance with their listing and label and manufacturer's installation instruction.

**CHAPTER 20
BOILERS AND WATER HEATERS**

Section M2001.4

Section M2001.4 is hereby deleted in its entirety.

**CHAPTER 21
HYDRONIC PIPING**

Section M2101.3 Protection of potable water.

Revise as follows:

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.

Revise as follows:

New hydronic piping shall be isolated and tested hydrostatically at a pressure of not less than 100-pounds per square inch (psi) (689 kPa) for a duration of not less than 15 minutes.

**CHAPTER 22
SPECIAL PIPING AND STORAGE SYSTEMS**

Section M2201.6

Section M2206.1 is hereby deleted in its entirety.

**CHAPTER 24
FUEL GAS**

Section G2404.7

Section G2404.7 is hereby deleted in its entirety.

Section G2406.2

Delete exceptions 3 and 4.

Figures G2407.6.1 (1) and G2407.6.1 (2)

Figures G2407.6.1 (1) and G2407.6.1 (2) are hereby deleted in its entirety.

Figure G2407.6.2

Delete as follows:

Figure G2407.6.2 is hereby amended to delete the reference to an alternate opening location.

Section G2407.11

Delete as follows:

Delete item number 5 and renumber subsequent items.

Section G2411.1.1 (310.1.1) Corrugated stainless steel tubing CSST.

Revise as follows:

CSST gas piping systems shall be bonded to the electrical service grounding electrode system. The bonding jumper shall connect to a metallic pipe or fitting between the point of delivery and the first downstream CSST fitting. The bonding jumper shall not be smaller than 6AWG copper wire or equivalent. A CSST system certified by an approved listing agency and approved by the authority having jurisdiction as being equivalent to a direct bonded CSST system prescribed in this Section shall only be required to be bonded in accordance with Section G2411.1

Section G2413.5 (402.5) Allowable pressure drop.

Revise as follows:

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. For low pressure systems, such pressure loss shall not be greater than .5 inch water column.

Section G2417.4.1 (406.4.3) Test pressure.

Revise as follows:

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 G2419.2 Drips.

Revise as follows:

Where wet gas exists, a drip shall be provided at any point in the line of pipe where condensate could collect.

Section G2425.8

Delete #7.

Section G2425.12 Residential and low-heat appliances flue lining systems.

Revise as follows:

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

1. Clay flue lining complying with the requirements of ASTM 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.
2. Listed chimney liner systems complying with UL 1777.
3. Other approved materials that will resist, without cracking, softening, or corrosion, flue gases and condensate at temperatures up to 1800 F (982 C).
 - a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick up to 8 inches in diameter.
 - b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches in diameter or not less than 24 gauge (0.024 inches thick) 8 inches in diameter and larger.

When a metal liner 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.

Revise as follows:

Masonry *chimneys* shall be built and installed in accordance with NFPA211 and shall be lined as per G2425.12.

Exception: Masonry *chimney* flues serving listed gas *appliances* with *draft hoods*, Category I *appliances* and other gas *appliances* listed for use with Type B vents shall be permitted to be lined with a *chimney* lining system specifically listed for use only with such *appliances*. The liner shall be installed in accordance with the liner manufacturer's installation instructions. A permanent identifying label shall be attached at the point where the connection is to be made to the liner. The label shall read: "This *chimney* liner is for *appliances* that burn gas only. Do not connect to solid or liquid fuel-burning appliances or incinerators."

Section G2442.6 (618.6) Screen.

Revise as follows:

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

Section G2445 is hereby deleted in its entirety.

Chapters 25 through 43

Chapters 25 through 43 are hereby deleted in their entirety.

AMENDMENTS FOR 2009 INTERNATIONAL BUILDING CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

Section 101.4.3 Plumbing.

Revise as follows:

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

Section 101.4.4

Delete Section 101.4.4 is hereby deleted in its entirety.

Section 101.4.5

Delete Section 101.4.5 is hereby deleted in its entirety.

Section 104.8 Liability.

Revise as follows:

The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is here by relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the jurisdiction's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 105.2

Revise as follows:

Work exempt from permit.....

Building:

2. Fences not over 8.5 feet high.

6. Sidewalks and driveways.

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings.

14. Reroofing.

Section 107.2.5.1

Section 107.2.5.1 is hereby deleted in its entirety.

Section 107.3.1 Approval of construction documents.

Revise as follows:

When the building officialOne set of construction documents so reviewed shall be retained by the Building Official.

Section 109.2 Schedule of permit fees.

Revise as follows:

On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit and plan review shall be paid as required, in accordance with the schedule as established by the jurisdiction. The plan review fees specified in this subsection are separate from, and in addition to, permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged in an amount not to exceed 50% of the building permit fee established in Section 108.2.

Section 110.3.3

Section 110.3.3 is hereby deleted and subsequent sections renumbered accordingly.

CHAPTER 3
USE AND OCCUPANCY CLASSIFICATION

Section 305.2 Day care.

Revise as follows:

The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than twelve children older than 2 ½ years of age, shall be classified as a Group E occupancy.

Section 308.3.1 Child care facilities.

Revise as follows:

Facilities that provide care on a 24-hour basis to more than twelve children 2 ½ years of age or less.

Section 308.5

Revise as follows:

Section 308.5 Group I-4, day care facilities.

A facility such as the above with twelve or fewer persons shall be classified as a Group R-3 or shall comply

Section 308.5.2 Child care facility.

Revise as follows:

A facility that provides supervision and personal care on less than a 24-hour basis for more than twelve children 2 ½ years of age or less shall be classified as Group I-4.

Exception: A child day care facility that provides care for more than twelve but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

Section 310.1

Revise as follows:

Section 310.1 is hereby amended to read in part as follows:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units.

Adult facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Child care facilities that provide accommodations for twelve or fewer persons of any age for less than 24 hours.

Congregate living facilities with 16 or fewer persons.

Adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

Section 406.1.4

Revise as follows:

Section 406.1.4 is hereby amended to read as follows:

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum ½ inch Type X gypsum board applied to the garage side. Garages immediately adjacent to habitable rooms shall be separated from such habitable rooms by not less than 5/8 inch Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the assembly shall also be protected by not less than 5/8 inch Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1-3/8 inches (34.9 mm) thick or doors in compliance with Section 715.4.3.

Section 406.1.4

Revise as follows:

Section 406.1.4 is hereby amended to read as follows:

1...Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

CHAPTER 7 FIRE AND SMOKE PROTECTION FEATURES

Section 706.6

Revise as follows:

Section 706.6 is hereby amended to add #6 to read:

6. Fire walls installed within detached structures of Group U occupancy may terminate at the underside of the roof sheathing provided such walls are not required to be fire-resistive construction due to proximity to property lines.

CHAPTER 8 INTERIOR FINISHES

Section 801.5 Applicability.

Revise as follows:

For buildings in flood hazard areas, interior finishes, trim and decorative materials below the design flood elevation shall be flood-damage-resistant materials in accordance with the requirements of the Local Flood Proofing Code.

CHAPTER 9 FIRE PROTECTION SYSTEMS

This chapter should also contain this law from the North Dakota Century Code (54-21.3-03):

4. The state building code or a building code adopted by a city, township, or county may not include a requirement that fire sprinklers be installed in a single family dwelling or a residential building that contains no more than two dwelling units.

Section 903.2.7

Section 903.2.7 #4 is hereby deleted in its entirety.

Section 903.3.1.1

Add as follows:

Section 903.3.1.1 is hereby amended by adding a second paragraph to read as follows:

Sprinkler heads in unoccupied mall tenant spaces may be installed at ceiling height if allowed by the code official. Permission will be granted on an individual basis. Combustible storage shall not be allowed in these unoccupied tenant spaces if sprinkler heads are installed at ceiling height. Signage shall be provided outlining the storage restrictions.

Section 907.2.11.1

Revise as follows:

Section 907.2.11.1 is hereby amended by adding item #4 to read as follows:

4. 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 (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

Section 907.2.11.2

Revise as follows:

Section 907.2.11.2 is hereby amended by adding item #4 to read as follows:

4. 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 (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

CHAPTER 10 MEANS OF EGRESS

Section 1009.1

Revise as follows:

Section 1009.1 is hereby amended to add exception 5 to read as follows:

5. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons.

Section 1009.4.2 Exceptions 5 and 8

Revise as follows:

Section 1009.4.2, Exceptions 5, is hereby amended to read as follows and Exception 8 is added:

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser height shall be 8 inches and 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 not less than 0.75 inch but not more than 1.25 inches shall be provided on stairways with solid risers where the tread depth is less than 11 inches.
6. ...
7. ...
8. Stairways used to attend equipment or private stairways serving an occupant load of 10 or fewer persons are permitted to have a maximum 8 inch rise and a minimum 9 inch run.

Section 1009.12 Handrails.

Revise as follows:

Stairways shall have handrails on each side and shall comply with Section 1012. Where glass is used to provide the handrail, the handrail shall also comply with Section 2407.

Exceptions:

1. Handrails for aisle stairspermitted by Section 1028.13.
5. Changes in room elevations of three or fewer risers within dwelling units and sleeping units in Group R-2 and R-3 do not require handrails.
6. Vehicle service pit stairways are exempt from the rules for stairway railing and guards, if they would prevent a vehicle from moving into a position over the pit.
7. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons are permitted to have a handrail on one side only.

Section 1013.2

Revise as follows:

Delete the words “adjacent fixed seating”.

Section 1029.2

Delete the exception.

**CHAPTER 11
ACCESSIBILITY**

Section 1104.4 Multilevel buildings and facilities.

Revise as follows:

Section 1104.4 exception 1 is hereby amended to read as follows:

At least one accessible route shall connect each accessible level, including mezzanines, in multilevel buildings and facilities.

Exceptions:

1. An accessible route is not required to stories, basements and mezzanines that have an area of not more than 3,000 square feet (278.7 m²), are located above or below accessible levels and are below the third story. This exception shall not apply to:
 - 1.1. Multiple tenant facilities...

Balance unchanged

Section 1107.7.5

Section 1107.7.5 is hereby deleted in its entirety.

**CHAPTER 12
INTERIOR ENVIRONMENT**

Section 1203.3.2

Section 1203.3.2 #5 is hereby deleted in its entirety.

Section 1207

Section 1207 is hereby deleted in its entirety.

**CHAPTER 14
EXTERIOR WALLS**

Sections 1403.5 and 1403.6

Sections 1403.5 and 1403.6 are hereby deleted in its entirety.

Section 1406.3

Revise as follows:

Section 1406.3 is hereby amended to add a new exception 5 to read as follows:

5. Private balconies and similar appendages serving individual dwelling units on buildings of Type V construction.

CHAPTER 15
ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

Section 1509.6

Add as follows:

Section 1509.6 is hereby added to read as follows:

Mechanical Equipment on Sloping Roofs: Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal or greater, and having an edge more than 30 inches above grade at such edge, a platform shall be provided in accordance with IMC Section 306.5.1.

Section 1510

Section 1510 is hereby deleted and relocated as Appendix L

CHAPTER 16
STRUCTURAL DESIGN

Section 1601.1

Revise as follows:

Section 1601.1 is hereby amended to add the following as a new second paragraph.

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 1603.1

Section 1603.1 exception 5 is hereby deleted in its entirety.

Section 1603.1.7

Section 1603.1.7 is hereby deleted in its entirety.

Section 1610.1

Revise as follows:

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

Section 1612

Section 1612 is hereby deleted in its entirety.

CHAPTER 17 STRUCTURAL TESTS AND SPECIAL INSPECTIONS

Section 1704.1

Revise as follows:

Section 1704.1 is hereby amended to add an exception 4 to read as follows:

4. The frequency and amount of special inspections shall be as determined by the design professional of record. The continuous and periodic inspections referenced in Tables 1704.3, 1704.4, 1704.5.1, and 1704.5.3 shall be considered as guidelines for that determination.

CHAPTER 18 SOILS AND FOUNDATIONS

Section 1804.3 Surface drainage.

Section 1804.3 is hereby deleted and the following section enacted:

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 1804.4

Section 1804.4 is hereby deleted in its entirety.

Section 1805.1.2.1

Section 1805.1.2.1 is hereby deleted in its entirety.

Section 1809.5

Revise as follows:

Section 1809.5 is hereby amended to add a new exception 4 as follows:

4. Free-standing buildings used as Group U occupancies for the storage of private or pleasure-type motor vehicles constructed in accordance with Sections 406.1.1 and 406.1.2.

CHAPTER 29 PLUMBING SYSTEMS

Section 2901.1

Revise as follows:

Section 2901.1 is hereby amended to read follows:

The provisions of this chapter and the North Dakota State Plumbing Code shall govern the erection, installation, alteration, repairs, relocations, replacement, addition to, use or maintenance of plumbing equipment and systems. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the North Dakota State Plumbing Code. Private sewage disposal systems shall conform to the North Dakota State Plumbing Code.

Table 2902.1

Add as follows:

In the column titled "Drinking Fountains" add footnote g.

Add footnote g to read as follows: Where combination high/low drinking fountains are provided to comply with Section 1109.5, each such combination unit shall be considered as two drinking fountains.

CHAPTER 31 SPECIAL CONSTRUCTION

Section 3109

Section 3109 is hereby deleted and relocated as Appendix M

CHAPTER 34 EXISTING STRUCTURES

Section 3403.2

Section 3403.2 is hereby deleted in its entirety.

Section 3404.2

Section 3404.2 is hereby deleted in its entirety.

Section 3405.5

Section 3405.5 is hereby deleted in its entirety

Section 3409.2

Section 3409.2 is hereby deleted in its entirety.

Section 3412.2.4.1

Section 3412.2.4.1 is hereby deleted in its entirety.

AMENDMENTS FOR 2009 INTERNATIONAL MECHANICAL CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

Section 103.4

Add as follows:

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

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the jurisdiction be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 106.4.8

Section 106.4.8 is hereby deleted in its entirety.

Revision

Section 108.8 Equipment Submerged Under Water.

Add as follows:

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 items submerged: furnace blower motor or insulation.

CHAPTER 2 ADMINISTRATION AND ENFORCEMENT

Section 201.3

Revise as follows:

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.

CHAPTER 3 GENERAL REGULATIONS

Section 305.4

Revise as follows:

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 (610 mm) of every bend or angle.

Section 307.2.2

Revise as follows:

...Joints and connections shall be made in accordance with the applicable provisions of the *North Dakota State Plumbing Code* relative to the material type...

CHAPTER 4 VENTILATION

Section 403.1

Add as follows:

Exception: The 2007 version of ASHRAE 62.1 (Ventilation for acceptable Indoor Air Quality) shall be considered to be an acceptable alternative to this section.

CHAPTER 5 EXHAUST SYSTEMS

Section 505.1

Add as follows:

Add the following to the end of the last sentence: at the point of termination.

Section 508.2

Revise as follows:

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.

Section 508.2.1 Compensating Hood Make-up Air.

Add as follows:

Compensating hoods shall extract at least 40% of the required exhaust air flow from the kitchen area.

CHAPTER 6 DUCT SYSTEMS

Table 603.4

Delete and substitute as follows:

Under the column titled "Equivalent Galvanized Sheet No.", for Round ducts and enclosed rectangular ducts 14 inches or less, delete "28" and replace with "30".

CHAPTER 7 COMBUSTION AIR

Section 701.2 Attic space.

Add as follows:

Attic space shall not be used for combustion air.

CHAPTER 11 REFRIGERATION

Section 1104.2

Add as follows:

Section 1104.2 is hereby amended to add the following new third 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.

AMENDMENTS FOR 2009 INTERNATIONAL FUEL GAS CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

Sections 103.2 and 103.3

Sections 103.2 and 103.3 are hereby deleted in their entirety.

Section 103.2 Liability.

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

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 106.5.8

Section 106.5.8 is hereby deleted in its entirety.

Section 108.8 Equipment Submerged Under Water

Add as follows:

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 items submerged: furnace blower motor or insulation.

CHAPTER 3 GENERAL REGULATIONS

Section 303.3

Delete Section 303.3 – Exceptions #3 & #4

Section 304.6.1

Revise as follows:

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

Where directly communicating with the outdoors, or where communicating with the outdoors through vertical ducts, each opening shall have a minimum free area of 1 square inch per 4,000 Btu/h (550 mm²/kW) of total input rating of all appliances in the enclosure [see Figures 304.6.1(1) and 304.6.1(2)].

Where communicating with the outdoors through horizontal ducts, each opening shall have a minimum free area of not less than 1 square inch per 2,000 Btu/h (1,100 mm²/kW) of total input rating of all appliances in the enclosure [see Figure 304.6.1(3)].

Figures 304.6.1(1) and 304.6.1(2).

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

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

Section 304.6.2

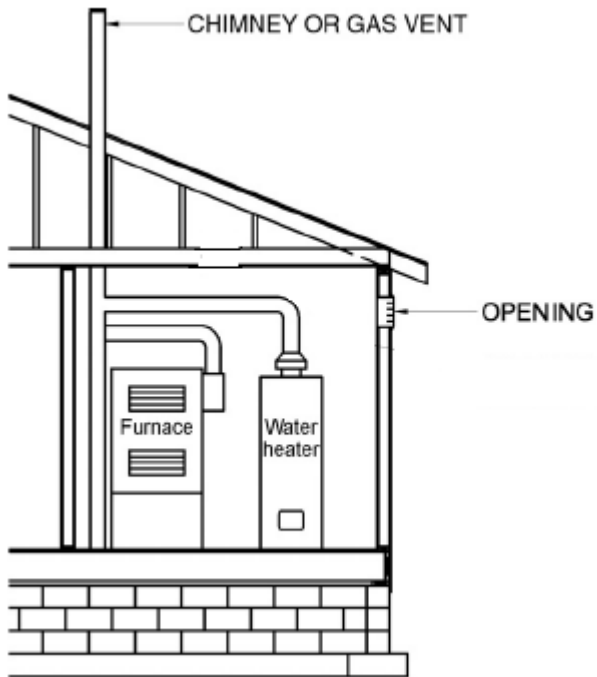
Revise as follows:

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 (734mm²/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.

Figure 304.6.2

Revise as follows:

Figure 304.6.2 is hereby amended as shown below:



Section 304.11(5)

Revise as follows:

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

Section 310.1.1

Revise as follows:

CSST Corrugated stainless steel tubing (CSST) gas piping systems shall be bonded to the electrical service grounding electrode system. The bonding jumper shall connect to a metallic pipe or fitting between the point of delivery and the first downstream CSST fitting. The bonding jumper shall not be smaller than 6AWG copper wire or equivalent. A CSST system certified by an approved listing agency and approved by the authority having jurisdiction as being equivalent to a direct bonded CSST system prescribed in this Section shall only be required to be bonded in accordance with Section 310.1

CHAPTER 4 GAS PIPING INSTALLATIONS

Section 402.5 Allowable pressure drop.

Revise as follows:

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. For low pressure systems the pressure loss shall not be greater than .5 inch water column.

Section 403.3

Revise as follows:

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.

Section 403.10.1.1

Add as follows:

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

Revise as follows:

1. Threaded fittings in sizes 2 ½ inches or larger shall not be used except where *approved*.

Section 406.4

Revise as follows:

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

Revise as follows:

Change “3” to 25”

Section 408.2

Revise as follows:

Where wet gas exists, a drip shall be provided at any point in the line of pipe where condensate could collect.

Section 411.1.4

Add as follows:

Add after the last sentence: Where approved flexible connectors are used, restraining cables shall be installed.

Section 415.1 Interval of support.

Add as follows:

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.

CHAPTER 5 CHIMNEYS AND VENTS

Section 501.8

Revise as follows:

8. Direct-fired makeup air heaters.
9. Other appliances *listed* for unvented use and not provided with flue collars.
10. Specialized appliances of limited input such as laboratory burners and gas lights.

Section 501.12

Revise as follows:

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

1. Clay flue lining complying with the requirements of ASTM 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*.
2. *Listed* chimney lining systems complying with UL1777.
3. Other *approved* materials that will resist, without cracking, softening or corrosion, flue gases and condensate at temperatures up to 1,800°F (982°C).
 - a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick to 8 inches diameter.
 - b. 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

Revise as follows:

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

Revise as follows:

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.

Section 621

Section 621 is hereby deleted in its entirety.

**AMERICANS WITH DISABILITIES ACT
ACCESSIBILITY GUIDELINES (ADAAG)**

N.D.C.C 54-21.3-04.1 requires that every building or facility subject to the federal Americans with Disabilities Act must conform to the accessibility standards of the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The law also requires a state agency or the governing body of a political subdivision to obtain from any person preparing plans and specifications for a building or facility subject to the Americans with Disabilities Act, a statement that the plans and specifications are, in the professional judgment of that person, in conformance with the ADAAG. This form must then be submitted to the Division of Community Services. Page 58 of this document contains the ADAAG Conformance Statement that is required.

ADAAG CONFORMANCE STATEMENT
NORTH DAKOTA DIVISION OF COMMUNITY SERVICES
 SFN 19701 (12/10)

(This form must be submitted for new construction, alternations and additions to buildings and facilities subject to the Americans with Disabilities Act)

AMERICAN WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) CONFORMANCE STATEMENT														
Name & Building Address	Owner													
	City/County													
Date Construction to Start	Projected Completion Date													
Type of Construction <table style="width: 100%; margin-left: 20px;"> <tr> <td style="width: 30%;">New Building</td> <td style="width: 10%;"><input type="checkbox"/></td> <td style="width: 30%;">Sq. Ft.</td> <td style="width: 30%; text-align: right;">_____</td> </tr> <tr> <td>Addition</td> <td><input type="checkbox"/></td> <td>Sq. Ft.</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Alteration</td> <td><input type="checkbox"/></td> <td>Sq. Ft.</td> <td style="text-align: right;">_____</td> </tr> </table>			New Building	<input type="checkbox"/>	Sq. Ft.	_____	Addition	<input type="checkbox"/>	Sq. Ft.	_____	Alteration	<input type="checkbox"/>	Sq. Ft.	_____
New Building	<input type="checkbox"/>	Sq. Ft.	_____											
Addition	<input type="checkbox"/>	Sq. Ft.	_____											
Alteration	<input type="checkbox"/>	Sq. Ft.	_____											
Describe Alteration:														
Type of Occupancy/Use (Refer to Occupancies and Divisions defined in the International Building Code)														
I certify, to the best of my professional judgment, that the plans and specifications for the above referenced building or facility conforms with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as adopted in North Dakota Century Code Section 54-21.3-04.1.														
Name of Design Professional	Firm													
Signature	Phone Number	Date												
Send To: Division of Community Services 1600 East Century Avenue, Suite 2 PO Box 2057 Bismarck, ND 58502-2057														

SAMPLE MODEL ORDINANCE

The following is a Sample Model Ordinance for the adoption of the State Building Code for those cities, townships, and counties that elect to administer and enforce a building code.

Adoption of Code

The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, uses, height, area and maintenance of buildings or structures in the City/Township/County of _____ shall meet with the provisions of the rules and regulations of the North Dakota State Building Code and any future updates and amendments to that code, _____ copies of which are on file with the City Auditor/Township Board/County Auditor and are hereby made a part of this chapter by reference with the exception of the sections hereinafter set forth affecting local conditions in the City/Township/County, which are amended, for use and application in the City/Township/County, and the City/Township/County hereby adopts said code as so modified.

Amendments

Sec. ____ Shall be revised to read as follows:

Sec. ____ Shall be added to read as follows:

Sec. ____ Shall be deleted

Fees

Fees under the Building Code shall be as follows:

NOTE: A suggested Building Permit Fees schedule can be found on page 11 of this document.

CODE ENFORCING JURISDICTION AS OF 2013

COUNTIES	CONTACT PERSON	PHONE NUMBER
Adams	Kim Frank	567-2990
Burleigh	Ray Ziegler	355-1475
Dunn	Reinhard Hauck	573-4448
Grand Forks	Carole McMahan	780-8421
McKenzie	Walter Hadley	444-6494
Morton	Gregg Greenquist	667-3346
Williams	Jim Horton	557-4564
Mountrail	Donald Longmuir	628-0248
Ward	Mike Vendsel	857-6430
CITIES	CONTACT PERSON	PHONE NUMBER
Alexander	Anne Mrachek	828-3461
Amenia	Linda Sell	347-5554
Argusville	Cheri Wetzel	212-3369
Barney	Mark Wiepking	439-2507
Beach	Kimberly Nunberg	872-4103
Belfield	Mel Zent	264-7748
Beulah	Russell Duppong	873-4637
Bismarck	Ray Ziegler	355-1475
Brinsmade	Michele Ferrell	466-2069
Buchanan	Kim Lees	252-9584
Bucyrus	Dean Larson	853-2490
Burlington	Rod Schwandt	852-5233
Carrington	Daniel Trosen	652-2911
Carson	Sharon Ruscheinsky	622-3395
Casselton	Brandy Pyle	347-4861
Cavalier	Katie Werner	265-8800
Center	Janelle Peterson	794-3650
Christine	Cathy Affield	218-643-4497
Coleharbor	Jerome Eman	442-3454
DesLacs	Tony Tudahl	725-4998
Devils Lake	Paul Arends	662-7600
Dickinson	Leonard Schwindt	456-7744
Drake	David Rosel	465-3794
Dunn Center	Linda Kittilson	548-8130
Elgin	QuentinPfutzenreuter	584-3001
Ellendale	James Eberle	349-3252
Enderlin	Cyndee Chesley	437-3476
Fargo	Ron Strand	241-1566
Fordville	Wendell Pfannsmith	229-3279
Forman	Jean Bopp	724-3673
Gackle/Logan	Linda Zenker	485-3331
Garrison	Diane Affeldt	463-2600
Gladstone	Gwendolyn Lantz	483-0285
Golden Valley	Cindy Helling	983-4488
Goodrich	Debbie Tessmann	884-2695

CITIES	CONTACT PERSON	PHONE NUMBER
Grafton	Scott Boura	352-1561
Grand Forks	Bev Collings	746-2631
Gwinner	Dana Grosgehauer	678-2409
Granville	Bob Bachmeier	728-6369
Halliday	Dawn Marquardt	938-4680
Hankinson	Glenn Bladow	242-7885
Hannaford	Edwin Everson	769-2176
Harwood	Sherry Morris	281-0314
Hatton	Lorraine Ness	543-3243
Hazelton	Phyllis Schatz	782-6878
Hazen	Steve Frovarp	748-2550
Hettinger	Kim Frank	567-2990
Horace	Dwight Carpenter	277-1498/237-5305
Hunter	Lonnie Nelson	371-2168
Jamestown	James Weight	352-5900
Kathryn	Shirley Sivertson	796-7331
Killdeer	Ron Fettig	290-4801
Kindred	Twila Morrison	428-3115
Kulm	Emery Lindgren	647-2451
Langdon	Tina Gustafson	256-2155
Larimore	John McDonald	343-2002
Leonard	George Wendling	645-2254
Lincoln	Ray Zeigler	355-1475
Lisbon	Donna Gamache	683-4140
Mandan	Richard Barta	667-3230
Manvel	Joan Sherlock	696-2316
Mapleton	Mark Housh	281-0597
Mayville	Gary Winger	786-2166
McClusky	Hannelore Davis	363-2345
McVile	Renaë Arneson	322-4343
Medina	Dave Eicholtz	486-3162
Medora	Mark Golberg	623-4828
Milnor	Kristin Lunneborg	427-5272
Minnewaukan	Karen Mitzel	473-5735
Minot	Darrell Zaback	857-4102
Mohall	Ken Shobe	756-6464
Mooreton	Dennis Klosterman	274-8838
New Rockford	George Ritzke	947-2461
New Salem	Jim Schultz	843-8204
New Town	Marcia Wilber	627-4812
North River	Paulette Osborne	232-1103
Northwood	Marcy Douglas	587-5370
Oakes	April Haring	742-2137
Page	Judy Johnson	668-2240
Pekin	Brenda Bjorlie	296-4404/296-4515
Portal	Carolyn Hill	926-3601
Prairie Rose	Bob Staloch	235-9422

CITIES	CONTACT PERSON	PHONE NUMBER
Ray	Dick Ross	568-2204
Reynolds	Ken Ihry	847-2604
Reiles Acres	Perry Ronning	281-2639
Richardton	Duane Rakness	290-0034
Rogers	Mary Engle	646-6292
Ross	Diane Seibel	755-3321
Sentinel Butte	James Muckle, Sr.	872-3205
Sherwood	Janet Krause	459-2261
Souris	Lana Lindstrom	243-6422
St Thomas	Richard Rygg	257-6640
Stanley	Denis Kesterson	628-2225
Stanton	Richard Honeyman	745-3202
Surrey	Karla Schwan	852-4154
Taylor	James Wolf	974-3663
Tioga	Donald Zacharias	664-2807
Tolley	Patty Stavem	386-2466
Underwood	Diane Schell	442-5481
Upham	Ray Badke	768-2849
Valley City	David Andersen	845-1700
Wahpeton	Todd Johnson	640-3724
Walhalla	Shirley Robillard	549-3176
Washburn	Milissa Price	842-2533
Watford City	Steve Williams	444-2533
West Fargo	Mark Housh	281-0597
Williston	Doug Lalim	577-8115
White Earth	Greg Gunderson	755-3498
Wilton	Norma Hochhalter	734-6707
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Administrative Rule (Article 108, Chapter 108-01)

ARTICLE 108-01 NORTH DAKOTA STATE BUILDING CODE

Chapter

108-01-01 North Dakota State Building Code

CHAPTER 108-01-01 NORTH DAKOTA STATE BUILDING CODE

Section

108-01-01-01 History

108-01-01-02 Definitions

108-01-01-03 Intent

108-01-01-04 Scope

108-01-01-05 Implementation

108-01-01-06 Effective Date of Adoption of the State Building Code

108-01-01-07 Inquiries

108-01-01-08 Building Code Advisory Committee

108-01-01-09 Updating and Amending the State Building Code

108-01-01-10 Voting

108-01-01-11 Voting Procedures

108-01-01-12 Publication of Amendments

108-01-01-13 Limitations

108-01-01-14 Appendix Chapters

108-01-01-01. History. In 1979, the legislative assembly created the state building code. This code is codified in North Dakota Century Code chapter 54-21.3. At that time, the legislative assembly designated the 1976 uniform building code published by the international conference of building officials as the state building code. In 1983, the code was updated to the 1982 edition of the uniform building code, and expanded to include the recognition of the manufactured homes construction and safety standards under 24 CFR 3280 pursuant to the Manufactured Housing Construction and Safety Standards Act [42 U.S.C. 5401 et seq.] as the standard for the construction of manufactured housing. In addition, the responsibility for the state building code was transferred to the office of intergovernmental assistance.

In 1985, the legislative assembly added the 1982 uniform mechanical code published by the international conference of building officials. The state building code was updated in 1987 to the 1985 edition of the uniform building code and uniform mechanical code. In 1989, the legislative assembly added a state amendment to section 504(f) of the uniform mechanical code pertaining to liquefied petroleum gas appliances.

In 1991, the legislative assembly updated the state building code to the 1991 uniform building code and 1991 uniform mechanical code and amended North Dakota Century Code chapter 54-21.3 to permit cities, townships, and counties to amend the code to conform to local needs.

Then in 1993, the legislative assembly provided for the office of management and budget to adopt rules to implement and periodically update the code as well as to adopt rules to amend the code; designated effective August 1, 1994, the state building code as the code to be adopted by jurisdictions electing to adopt and enforce a building code; and added the Americans with Disabilities Act accessibility guidelines as the state's accessibility standards.

The 2001 legislative assembly changed the contents of the state building code to the international building code, international residential code, international mechanical code, and international fuel gas code published by the international code council. In addition, the legislative assembly created a state building advisory code committee to help develop the administrative rules and to solicit input on and develop recommendations for amending the state building code. The law also permits the five nongovernmental entities on the advisory committee to vote along with eligible jurisdictions on the recommendations made by the advisory committee.

The first rules developed to update, amend, and implement the state building code became effective in December 1994, as article 4-08, chapter 4-08-01. Those rules were developed by the office of intergovernmental assistance under the authority granted to the office of management and budget. In 1999, the office of intergovernmental assistance became the division of community services.

As a result of legislation in 2001, the division of community services was transferred from the office of management and budget to the department of commerce. This change meant the development of new rules for the state building code under the authority given to the department of commerce, and the deletion of the rules for the state building code that became effective in December 1994, article 4-08, chapter 4-08-01.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 18-12-06, 54-21.3-01, 54-21.3-02, 54-21.3-03, 54-21.3-04, 54-21.3-05

108-01-01-02. Definitions.

1. "DCS" means the division of community services.
2. "IBC" means the international building code.
3. "ICC" means the international code council.
4. "IFGC" means the international fuel gas code.
5. "IMC" means the international mechanical code.
6. "IRC" means the international residential code.

7. "Qualified appointed representative" means a code-knowledgeable individual designated by an eligible jurisdiction or organization to vote on the proposed published versions of the IBC, IRC, IMC, and IFGC and recommendations on proposed amendments from the building code advisory committee.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 18-12-06, 54-21.3-01, 54-21.3-02, 54-21.3-03, 54-21.3-04, 54-21.3-05

108-01-01-03. Intent. It is the intent of this chapter to prescribe the rules for implementing, updating, and amending the nationally recognized standards for construction, alteration, movement, demolition, repair, and use of buildings in the state of North Dakota.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 18-12-06, 54-21.3-01, 54-21.3-02, 54-21.3-03, 54-21.3-04, 54-21.3-05

108-01-01-04. Scope.

1. This chapter supplements all laws defined within the North Dakota Century Code relating to construction, alterations, improvements, and siting of buildings, unless specifically exempted.
2. This chapter applies to all cities, townships, and counties that elect to adopt and enforce building codes within their jurisdictional boundaries.
 1. This chapter applies to all state and local government buildings.
 2. This chapter applies to all public and private schools.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 18-12-06, 54-21.3-01, 54-21.3-02, 54-21.3-03, 54-21.3-04, 54-21.3-05

108-01-01-05. Implementation. The DCS is responsible for developing and implementing the administrative rules for implementing, updating, and amending the state building code. Cities, townships, and counties that elect to enforce a building code are responsible for adopting and enforcing the state building code, but may amend the code to conform to local needs. State agencies are responsible for assuring that plans and specifications for alterations and new construction of their buildings comply with the state building code, and that all work is inspected for compliance with the state building code. Schools located in jurisdictions that have not elected to adopt and enforce the state building code are responsible for assuring that plans and specifications for alterations and new construction comply with the state building code.

Local governments that have not elected to adopt and enforce the state building code are responsible for assuring that plans and specifications for alterations and new construction of their buildings comply with the state building code.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 18-12-06, 54-21.3-03(1)(3), 54-21.3-05

108-01-01-06. Effective date of adoption of the state building code. Effective August 1, 1994, any city, township, or county that has previously elected to adopt and enforce a building code, or any jurisdiction that elects to adopt and enforce a building code, must adopt and enforce the state building code. A city, township, or county may, however, amend the state building code to conform to local needs.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 18-12-06, 54-21.3-01, 54-21.3-02, 54-21.3-03, 54-21.3-04, 54-21.3-05

108-01-01-07. Inquiries. Inquiries regarding the state building code may be addressed to:

ADA/Building Code Manager
Division of Community Services

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 54-21.3-03(1)

108-01-01-08. Building code advisory committee. The building code advisory committee, by law, consists of nine representatives from the following agencies and organizations:

1. Two members from the North Dakota building officials association. One member must be from a jurisdiction of less than ten thousand people. The size of a county will be determined by the population of nonincorporated areas, and jurisdictions that have relinquished their authority to administer and enforce the codes to the county;
2. One member from the North Dakota chapter of the American institute of architects;
3. One member from the North Dakota society of professional engineers.
4. One member from the North Dakota association of builders;
5. One member from the North Dakota association of mechanical contractors;
6. One fire marshal nominated by the North Dakota state fire marshal;
7. One member nominated from the North Dakota electrical board; and
8. One member from the associated general contractors.

The building code advisory committee may meet and vote on recommendations with less than nine members. In the event of a tie vote on a proposed code change, the code change will be presented to the voting jurisdictions as a tie vote.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 18-12-06, 54-21.3-01, 54-21.3-02, 54-21.3-03, 54-21.3-04, 54-21.3-05

108-01-01-09. Updating and amending the state building code. The legislative assembly has mandated that the state building code consist of the IBC, IRC, IMC, and IFGC. These are nationally recognized codes published by the ICC and updated nationally every three years, with annual supplements published consisting of approved code changes. The first published version of these codes that will be adopted is the 2000 publication.

Each year, the DCS will meet with the building code advisory committee to either consider amendments to the newly published updated versions of the codes, or to consider amending the state building code with the nationally published interim supplements. To accomplish this, the following procedures will be used:

1. **Review of the newly published updates.** When the codes are updated nationally every three years, the DCS will schedule a meeting with the building code advisory committee to establish a code updating and amendment cycle to begin no earlier than six months from the receipt of the newly published updates. Once the DCS publishes the updating and amendment cycle schedule, any interested party may submit proposals for amendments. The DCS will provide a form for submitting proposals.

All proposed amendments will first be reviewed by the building code advisory committee, and the committee, at that time, may develop amendments. Once all amendments have been reviewed, they will be sent to all voting jurisdictions identified by the DCS; to the organizations represented on the building code advisory committee; and to certain state agencies. They will be made available upon request to any other interested person or entity.

At least one public hearing will be scheduled for the building code advisory committee to receive public comments on the proposed amendments. After each proposed amendment is discussed, the committee will develop a recommendation to adopt the amendment, to adopt with modification, or to reject the amendment.

After the hearing, the DCS will publish and distribute to eligible voting organizations and jurisdictions the proposed amendments and the recommendations, including voting results of the committee on each proposed amendment.

2. **Review of the annual published supplement.** The DCS will meet with the building code advisory committee to discuss the approved changes published in the annual supplement. If the committee determines that these changes are not significant to warrant a code change cycle, no further consideration will be given. If, however, the committee determines that these changes should be considered, a code updating and amendment cycle will be established and the procedures identified in subsection 1 will be followed.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 54-21.3-03(1)

108-01-01-10. Voting. Voting on the recommendations for amendments to the codes will be limited to the following:

1. A qualified appointed representative from each city and county identified by the DCS as having adopted the state building code or, in the case of home rule cities, those that have adopted the same published codes used in the state building code. The DCS will be responsible for certifying up to one week prior to the voting meeting those jurisdictions that will be eligible to vote.
2. The qualified appointed representative of each of the following organizations on the building code advisory committee:
 - a. North Dakota association of builders;
 - b. North Dakota association of mechanical contractors;
 - c. Associated general contractors;
 - d. North Dakota chapter of the American institute of architects; and
 - e. North Dakota society of professional engineers.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 54-21.3-03(1)

108-01-01-11. Voting procedures. Each jurisdiction and organization eligible and present to vote will be allowed one vote. In the event of a tie or when there is less than a two-thirds majority on a recommendation, cities and counties will receive votes as follows to determine the outcome:

Number of Residents	Number of Votes
1 - 999	1
1,000 - 4,999	2
5,000 - 9,999	3
10,000 - 29,999	4
30,000 - 49,999	5
50,000 +	6

The population for a county will be determined by subtracting the population of eligible cities. The most recent population figures published by the census bureau will be used.

As each recommendation for each proposed amendment is presented, time will be provided for anyone present to indicate support or opposition to each proposed amendment or to propose amending the recommendation. A proposed amendment to a recommendation must be approved by a two-thirds majority of the voting qualified appointed representatives to be considered.

After all proposed amendments have been acted on, a final vote will be taken for the purpose of recognizing the specific publication year of the IBC, IRC, IMC, and IFGC adopted and all of the amendments approved.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 54-21.3-03(2)

108-01-01-12. Publication of amendments. The DCS will publish, distribute, and make available a state building code book that identifies the published versions of the IBC, IRC, IMC, and IFGC and amendments adopted that are the current state building code.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 54-21.3-03(1)

108-01-01-13. Limitations. Subsection 2 of North Dakota Century Code section 54-21.3-03, pertaining to the construction of manufactured homes, may not be amended. These are federal minimum standards for construction that are the responsibility of the federal department of housing and urban development. Each manufactured home carries a label of inspection indicating compliance with the manufactured home construction and safety standards. North Dakota Century Code section 54-21.3-04.1 may not be amended because the accessibility standards contained in the Americans with Disabilities Act of 1990 are federal law.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 54-21.3-03(2)

108-01-01-14. Appendix chapters. The appendix chapters of the IBC, IRC, IMC, and IFGC are not part of the state building code unless specifically adopted.

History: Effective September 1, 2002.

General Authority: NDCC 54-21.3-03(1)

Law Implemented: NDCC 54-21.3-03(1)

OTHER CODE ENFORCING PROGRAMS OF NORTH DAKOTA

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