North Dakota State Building Code

Effective January 1, 2020

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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 2018 International Codes), but also reflects the needs and concerns of the jurisdictions of the state in amendments to those codes.

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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 six 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.

In 2013 the Advisory Committee and eligible jurisdictions adopted the 2012 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.

In 2016 the Advisory Committee and eligible jurisdictions adopted the 2015 versions of the IBC, IRC, IMC, IFGC, and the 2015 IECC 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.

In 2019 the Advisory Committee and eligible jurisdictions adopted the 2018 versions of the IBC, IRC, IMC, IFGC, IECC, and IEBC with amendments. In addition, in accordance with the State Legislature, the energy conservation provisions of the IRC (Chapter 11) were retained with minor amendments.

CURRENT NORTH DAKOTA STATE BUILDING CODE

Effective January 1, 2020, the North Dakota State Building Code consists of the 2018 International Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), International Energy Conservation Code, and the International Existing Building Code as 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 2018 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.

1. 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 2010 Americans with Disabilities Act standards for accessible design as contained in title 28, Code of Federal Regulations, parts 35 and 36 [28 CFR 35 and 36].

2. A state agency or the governing body of a political subdivision shall require from any individual 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 individual, in conformance with the Americans with Disabilities Act standards for accessible design as provided under subsection 1. A statement of conformance must be submitted to the department of commerce division of community services for recording.

3. After July 31, 2013, a newly designed and constructed building in excess of seven thousand five hundred square feet [696.77 square meters] which is classified within the state building code as assembly, business, educational, institutional, or mercantile occupancy and required by the state building code to be accessible must include at the primary exterior public entrance an automatic door or power-assisted manual door that complies with the requirements of the Americans with Disabilities Act of 1990, revised 2010. If a multiple unit building does not have a primary exterior public entrance, an individual unit within that building is not required to include an automatic door or power-assisted manual door unless that individual unit is in excess of seven thousand five hundred square feet [696.77 square meters].

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 2018 editions of the IBC, IRC, IMC, IFGC, IECC, and the IEBC. 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, IFGC, IECC, and IEBC you should first identify if a 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 2018 IRC requirements as amended or meeting the 2018 International Energy Conservation Code (IECC) requirements as amended.

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 on the next two pages is a sample of one of the jurisdictions fee schedule.

COMMERCIAL BUILDING PERMIT AND PLAN REVIEW FEES

TOTAL VALUATION	FEE
Up to and including $1,000.00	$40.00
$1,001.00 to $25,000.00	$40.00 for the first $1,000.00 plus $11.00 for each additional $1,000.00, or fraction thereof, to and including $25,000.00
$25,001.00 to $50,000.00	$304.00 for the first $25,000.00 plus $7.50 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$491.50 for the first $50,000.00 plus $5.30 for each additional $1,000.00, or fraction thereof, to and including $100,000.00
$100,001.00 to $500,000.00	$756.50 for the first $100,000.00 plus $4.30 for each additional $1,000.00 or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$2476.50 for the first $500,000.00 plus $4.20 for each additional $1,000.00 or fraction thereof to and including $1,000,000.00
$1,000,001.00 and up	$4576.50 for the first $1,000,000.00 plus $4.00 for each additional $1,000.00 or fraction thereof

Demolition Permit:	$100.00 / $40.00 for buildings under 400 SF and buildings without utility services.
House Moving Permit:	$300.00 / $40.00 for buildings under 400 SF and buildings without utility services. $150.00 / $40.00 for moves within extraterritorial area.
Board of Appeals:	$150.00 filing fee
Plan Review: All projects when a plan review is required.	Twenty (20) percent of the attributable building permit fee. Minimum fee $40.

Other Inspections and Fees:	
1. Inspections outside of normal business hours (minimum charge -- two hours)	$70.00 per hour*
2. Reinspection fees assessed under provisions of Section 108 and 109 of the International Building Code	$70.00 per hour*
3. Inspections for which no fee is specifically indicated (minimum charge -- one-half hour)	$70.00 per hour*
4. Additional plan review required by changes, additions or revision to plans (minimum charge -- one-half hour)	$70.00 per hour*
5. For use of outside consultants for plan checking and inspections, or both.	Actual Cost **

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

** Actual costs include administrative and overhead cost.

Should work begin prior the issuance of necessary permits, the following fees will apply:

VALUATION OF WORK	FEE
$0-$50,000	Permit fee is doubled Second offence within 180 days - $200 minimum $100 for each additional violation subsequent
$50,001-$500,000	50% of permit fee (Minimum fee of $980)
Over $500,000	25% of the permit fee (Minimum fee of $2,500)

RESIDENTIAL BUILDING PERMIT FEES

(one- and two-family dwellings)

TOTAL VALUATION	FEE
Up to and including $1,000.00	$35.00
$1,001.00 to $100,000.00	$35.00 for the first $1,000.00 plus $4.80 for each additional $1,000.00, or fraction thereof, to and including $100,000.00
$100,001.00 and up	$510.20 for the first $100,000.00 plus $2.65 for each additional $1,000.00 or fraction thereof.

Demolition Permit:	$100.00 / $35.00 for buildings under 400 SF and buildings without utility services.
House Moving Permit:	$300.00 / $35.00 for buildings under 400 SF and buildings without utility services. $150.00 / $35.00 for moves within extraterritorial area.
Board of Appeals	$150.00

Other Inspections and Fees:	**2018**
1. Inspections outside of normal business hours (minimum charge -- two hours)	$70.00 per hour*
2. Re-inspection fees assessed under provisions of Section 108 of the International Residential Code	$70.00 per hour*
3. Inspections for which no fee is specifically indicated (minimum charge -- one-half hour)	$70.00 per hour*
4. Additional plan review required by changes, additions or revision to plans (minimum charge -- one-half hour)	$70.00 per hour*
5. For use of outside consultants for plan checking and inspections, or both.	Actual Cost **

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

** *Actual costs include administrative and overhead cost.*

Should work begin prior the issuance of necessary permits, the following fees will apply:

VALUATION OF WORK	FEE
$0-$50,000	Permit fee is doubled Second offence within 180 days - $200 minimum $100 for each additional violation subsequent
$50,001-$500,000	50% of permit fee (Minimum fee of $550)
Over $500,000	25% of the permit fee (Minimum fee of $2,000)

IDENTIFICATION OF AMENDMENTS

This section presents the adopted state amendments to the 2018 editions of the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, and the International Energy Conservation Code. These amendments were approved through the voting procedures in Article 108- 01 of the North Dakota Administrative Code on September 5, 2019. 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 THE 2018 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 NorthDakota.

CHAPTER 1
SCOPE AND ADMINISTRATION

Section R101.1 Title

Revise as follows:

R l 0 l .1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of the local jurisdiction and shall be cited as such and will be referred to herein as "this code."

Section R104.8 Liability

Revise as follows:

Section R104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

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

Section R104.8.1 Legal Defense

Revise as follows:

Section R104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the immunities and defenses provided by other applicable local, state or federal laws. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Section R105.2 Work exempt from permit

Revise as follows:

Section RI05.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. 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.
9. Window awnings supported by an exterior wall that do not require additional support.
10. Decks not exceeding 120 square feet in area, that are not more than 7 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

CHAPTER 2
DEFINITIONS

Section R201.3 Terms defined in other codes.

Revise as follows:

Section R201.3 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. Whenever electrical codes are referenced by the International Code Council (ICC) in the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, it shall mean the most recent versions of the National Electrical Code and the North Dakota State Wiring Standards adopted by the North Dakota State Electrical Board and the most recent versions of the Uniform Plumbing Code and the Laws, Rules and Plumbing Installation Standards of North Dakota adopted by the North Dakota State Plumbing Board. Where ever reference is made to flood plain requirements, it shall mean the local flood plain management ordinance.

CHAPTER 3
BUILDING PLANNING

Table R302.1(1) Exterior walls

Revise as follows:

The fourth column is hereby amended as follows:

0 feet
3 feet
<2 feet
2 feet to <3 feet
≥ 3feet
<3 feet
3 feet
5 feet
< 3 feet
3 feet

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

Section R302.5.1 Opening protection

Revise as follows:

Section R302.5.1 Opening Protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1⅜ inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1⅜ inches (35 mm) thick, or 20-minute fire-rated doors.

Section R303.4 Mechanical ventilation

Section R303.4 is hereby deleted in its entirety.

Section R307.1 Space required.

Revise as follows:

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

Section R310.2.2 Window Sill Height

Revise as follows:

Section R310.2.2 Window sill height. Where a window is provided as the emergency escape and rescue opening, it shall have a sill height of not more than 44 inches (1118 mm) above the floor; where the sill height is below grade it shall be provided with a window well in accordance with Section R310.2.3. Sill height shall be measured from the finished floor to the bottom of the clear opening.

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

Section R310.2.3.1 Ladder and Steps.

Revise as follows:

Section R310.2.3.1 Ladder and steps. 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 shall be equipped with a permanently-attached platform at least 30 inches by 16 inches. The maximum distance between the top of the window well and a platform shall be 42 inches and shall not impede the operation of the window. Ladders or steps required by this section shall not be required to comply with Sections R31l.7 and R31l.8. 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 inches per vertical rise and minimum of 12 inches per horizontal projection on each level shall also be allowed.

Section R311.3 Floors and landings at exterior doors. ***

Revise as follows: Section

R311.3 Exceptions:

1. Exterior balconies less than 60 square feet (5.6 m²) and only accessible from a door are permitted to have a landing less than 36 inches (914 mm) measured in the direction of travel.

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

Section R311.3.1 Floor elevations at the required egress door.

Revise as follows:

Section R311.3.1 Floor elevations at the required egress door. Landings or finished floors at the required egress door shall not be more than 1½ inches (38 mm) lower than the top of the threshold.

Exception: The landing or floor on the exterior side shall not be more than 8 inches below the top of the threshold provided the door does not swing over the landing or floor.

Where exterior landings or floors serving the required egress door are not at grade, they shall be provided with access to grade by means of a ramp in accordance with Section R3 l l.8 or a stairway in accordance with Section R3 l 1.7.

Section R311.3.2 Floor elevations for other exterior doors.

Revise as follows:

Section R311.3.2 Floor elevations for other exterior doors. Doors other than the required egress door shall be provided with landings or floors not more than 8 inches below the top of the threshold.

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

Section R311.7.5.1 Riser height. Revise as follows:

Section R311.7.5.1 Riser height. The riser height shall not be more than 8 inches.

Section R311.7.5.2 Tread depth.

Revise as follows:

Section R311.7.5.2 Tread depth. 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).

Exception: Where a landing is not provided or required by section R311.3, R311.3.2 or R311.7.6, the top tread of a stair serving exterior doors other than the required exit door, and in-swinging doors opening into an attached garage, shall be permitted to exceed the smallest tread by more than 3/8 inch (9.5mm). Such a tread shall be at least 18 inches(457mm) measured in the direction of travel.

Section R311.7.5.2.1 Winder treads

Revise as follows:

Section R311.7.5.2.1 Winder treads**.** Winder treads shall have a minimum tread depth of 9inches measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline.***

Section R311.7.6 Landings for stairways.

Revise as follows:

Section R311.7.6 Landings for stairways. There shall be a floor or landing at the top and bottom of each stairway.***

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

Section R312.1.1 Where Required.

Revise as follows:

Section R312.1.1 Where Required: Guards shall be provided for those portions of 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 R313.1.1 Design and Installation

R3l3.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with NFPA 13D, NFPA l3R or NFPA 13.

Section R314.3 Location.

Revise as follows:

Section R314.3 Location. Smoke alarms shall be installed in the following locations:

* * *

5. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

Section 326 Swimming Pools, Spas, and Hot Tubs

Section 326 Swimming Pools, Spas, and Hot Tubs is hereby deleted in its entirety.

CHAPTER 4
FOUNDATIONS

R401.3 Drainage.

Revise as follows:

R401.3 Drainage. 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

Section R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems that shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill and shall include a concrete encased contiguous rebar stubbed out near the electrical service for grounding of the electrical system as per the requirements of the most recently adopted version of North Dakota State Electrical Board's Laws, Rules and Wiring Standards. Coordinate with the electrical contractor.

Section R403.1.4.1 Frost Protection

Revise as follows:

Section R403.1.4.1

***

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.

Section R404.1 Concrete and masonry foundation walls.

Section R404.1 Concrete and masonry foundation walls. Concrete foundation walls shall be selected and constructed in accordance with the provisions of Section R404.l .3. Masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404. l .2. There shall be a concrete encased contiguous rebar stubbed out near the electrical service for grounding of the electrical system as per the requirements of the most recently adopted version of North Dakota State Electrical Board's Laws. Rules and Wiring Standards. Coordinate with the electrical contractor

Figure R404.1.2 (1)

Add as follows:

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

Figure R404.1.2 (1)

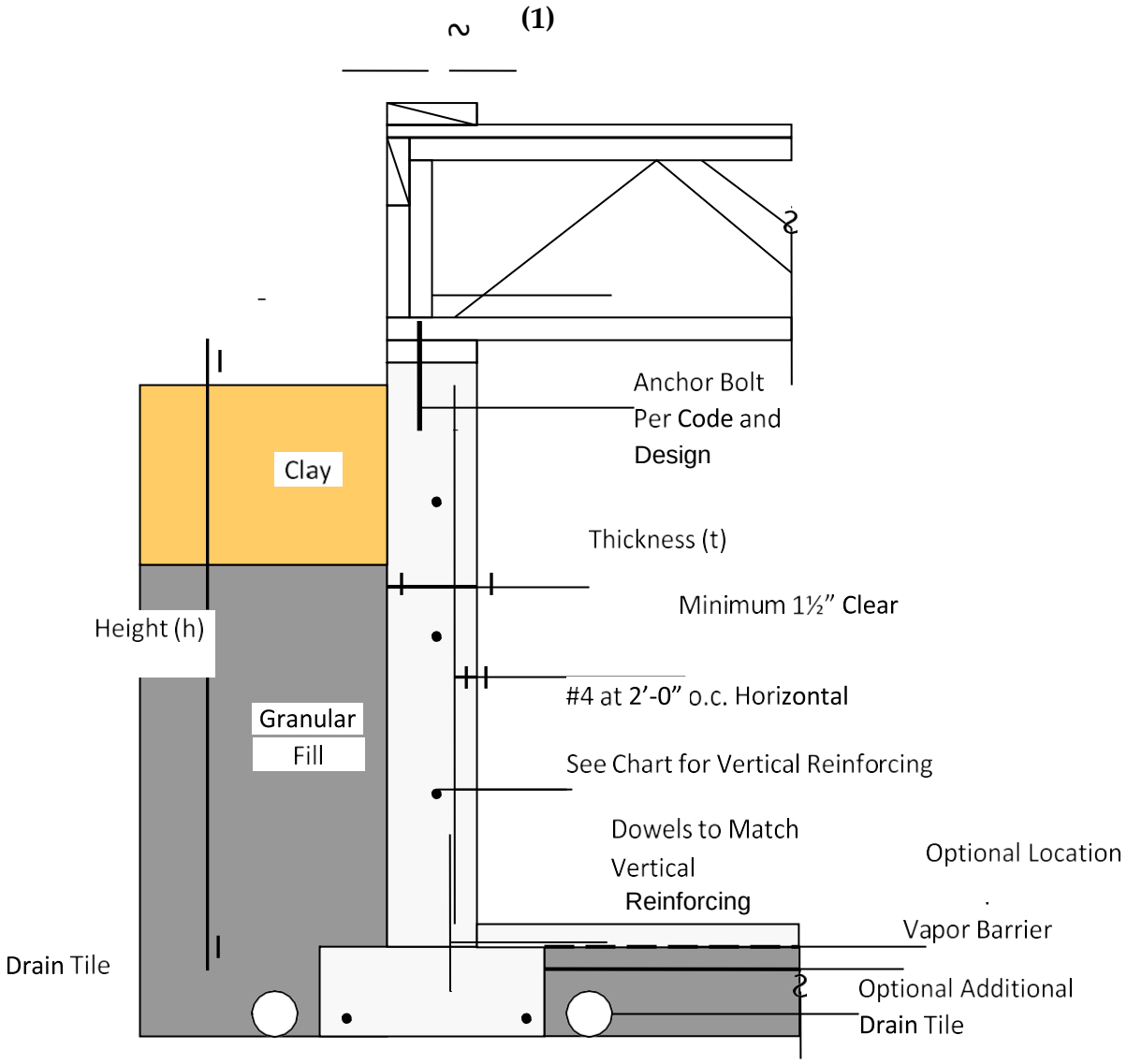


FIGURE R404.1.2(2), referred to in Section 404.1.2

Add as follows:

FIGURE R404.1.2(2)

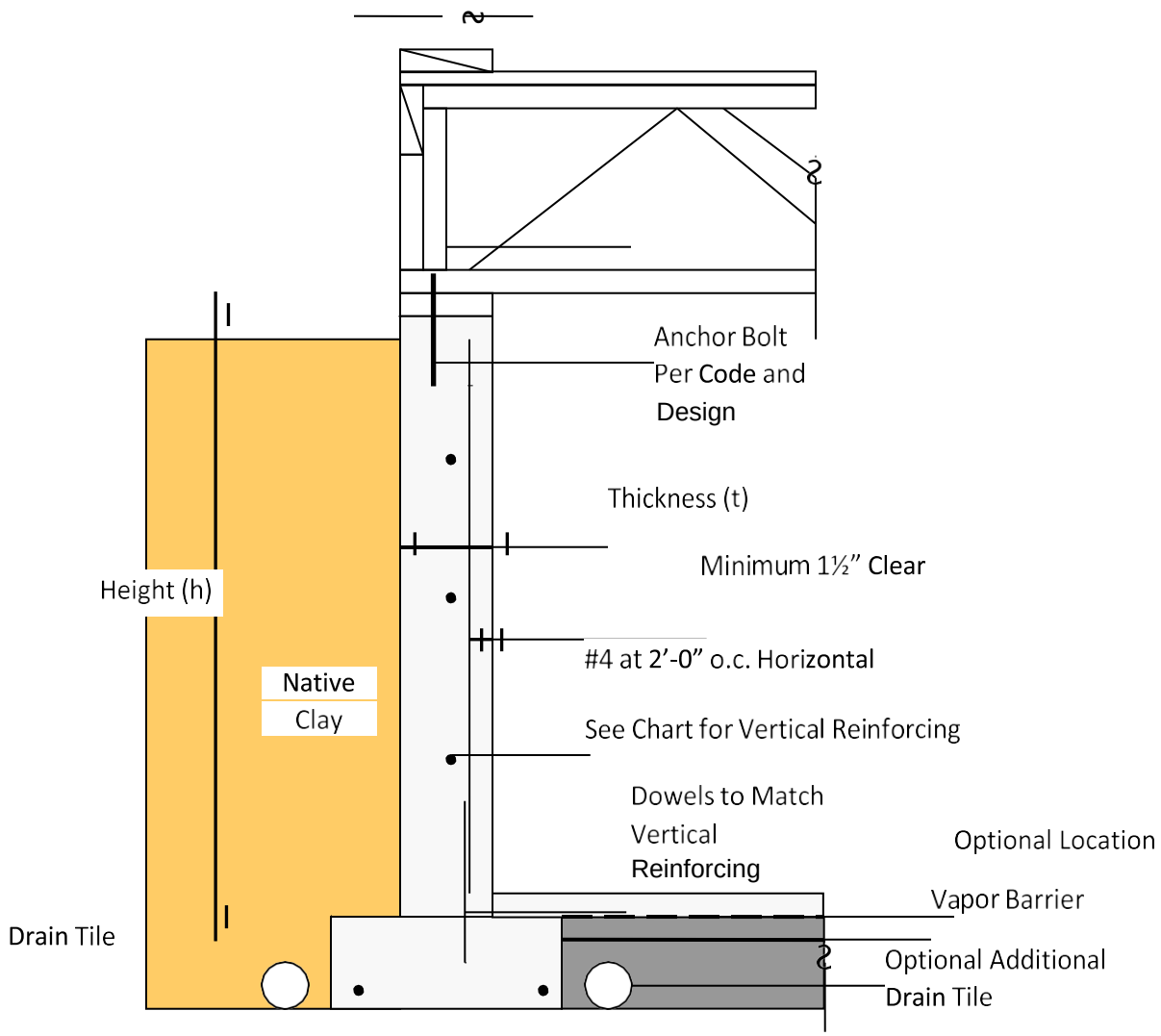


Table R404.1.2 (10)

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 Fc^1 = 3,000 pounds per square inch (psi).
5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

Table R404.1.2(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 Fc^1 = 3,000 pounds per square inch (psi).
5. Backfill shall not be placed until first floor framing and sheathing is installed and fastened or adequately braced and the concrete floor slab is in place or the wall is adequately braced.

Section R404.1.3.2 Reinforcement for foundation walls.

Revise as follows:

Section R404.1.3.2 Reinforcement for foundation walls. Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with Table R404.1.2(1). Vertical reinforcement shall be provided in accordance with Table R404.1.2(2), R404.1.2(3), R404.1.2(4), R404.1.2(5), R404.1.2(6), R404.1.2(7), or R404.1.2(8)., or Table R404.1.2(10) and Figure R404.1.2(1) or Table R404.1.2(11) and Figure R404.1.2(2). Vertical reinforcement for flat basement walls retaining 4 feet (1219 mm) or more of unbalanced backfill is permitted to be determined in accordance with Table R404.1.2(9). For basement walls supporting above-grade concrete walls, vertical reinforcement shall be the greater of that required by Tables R404.1.2(2) through R404.1.2(8) or by Section R611.6 for the above-grade wall. In Buildings assigned to Seismic Design Category D0, D1, or D2, concrete foundation walls shall also comply with Section R404.1.4.2.

CHAPTER 5
FLOORS

Section R507.3 Footings

Section R507.3 is hereby deleted in its entirety.

Table R507.3.1 Minimum Footing Size For Decks

Table R507.3.1 is hereby deleted in its entirety.

Section 507.5 Deck Beams

Add as follows:

Section R507.5 Maximum allowable spans for wood deck beams, as shown in Figure R507.5, shall be in accordance with Table R507.5. Beam plies shall be fastened with two rows of 10d (3-inch x 0.128-inch) nails minimum at 16 inches (406 mm) on center along each edge. Beams shall be permitted to cantilever at each end up to one-fourth of the actual beam span ....

CHAPTER 6
WALL CONSTRUCTION

Section R602.7.2 Rim board headers.

Revise as follows:

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

Section R602.7.5 Supports for headers.

Revise as follows:

Section R602.7.5 Supports for headers. Headers shall be supported on each end with one or more jack studs or with approved framing anchors in accordance with Table R602.7(1) or R602.7(2). The full-height stud adjacent to each end of the header shall be end nailed to each end of the header with four-16d nails (3.5 inches × 0.135 inches).

CHAPTER 11
ENERGY EFFICIENCY

Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirements By Component

Revise as follows:

Climate Zone	###	Wood Frame Wall R-Value	###	Basement Wall R-Value
6	###	21 or 13 +5h,i	###	10/13
7 and 8	###	21 or 13 +5h,i	###	10/13
(Balance of table remains the same)				

Table N1102.1.4 (R402.1.4) Equivalent U-Factors

Revise as follows:

Climate Zone	###	Frame Wall U-Factor	###	Basement Wall U-Factor
6	###	0.057	###	0.059
7 and 8	###	0.057	###	0.059
(Balance of table remains the same)				

Section N1102.4 (R402.4) Air leakage (Mandatory).

Revise as follows:

Section N1102.4 (R402.4) Air leakage (Mandatory). The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Section R402.4.1 through R402.4.4.

Exception: Dwelling units of R-2 Occupancies and multiple single-family dwellings shall be permitted to comply with IECC Section C402.5.

Section N1102.4.1.3 (R402.4.1.3) Visual Inspection Option.

Add ad follows:

Section N1102.4.1.3 (R402.4.1.3) Visual Inspection Option. Building envelope tightness and insulation shall be considered acceptable when installed in accordance with Table N1102.4.1.1 (R402.4.1.1) - "Air Barrier and Insulation" and has been field verified.

Section N1103.3.5 (R403.3.5) Building Cavities (Mandatory).

Revise as follows:

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

Section N1103.6 (R403.6) Mechanical Ventilation (Mandatory)

Revise as follows:

Section N1103.6 (R403.6) Mechanical Ventilation (Mandatory) Change the title of the section to Section N1103.6 (R403.6) Ventilation (Mandatory)

Table N1105.5.2(1) [R405.5.2(1)] Specifications for the Standard Reference and Proposed Design

Revise as follows:

Specifications for the Standard Reference and Proposed Design

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

CHAPTER 15
EXHAUST
SYSTEMS

Section M1502.4.2 Duct Installation

Revise as follows:

Section M1502.4.2 Duct Installation. Exhaust ducts shall be supported at intervals not to exceed 4 feet (3658 mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints may be mechanically fastened. Ducts shall not be joined with screws. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

Section 1503.6 Makeup Air Required

Revise as follows:

Section Ml503.6 Makeup air required. Where one or more gas, liquid or solid fuel-burning appliance that is neither direct-vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, each exhaust-hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19m_ -3/S) shall be mechanically or passively provided with makeup air at a rate approximately equal to the exhaust air rate in excess of 400 cfm. Such makeup air systems shall be equipped with not fewer than one damper complying with Section Ml503.6.2.

CHAPTER 16
DUCT SYSTEMS

Section M1601.4.1 Joints, Seams and Connections.

Revise as follows:

Section M1601.4.1 Joints, Seams and Connections.

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

CHAPTER 20
BOILERS AND WATER HEATERS

Section M2005.1 General

Revise as follows:

Section M2005.1 General. Water heaters shall be installed in accordance with the North Dakota State Plumbing Code, the manufacturer's instructions and the requirements of this code.

CHAPTER 21
HYDRONIC PIPING

Section M2101.3 Protection of potable water.

Revise as follows:

Section M2101.3 Protection of potable water. 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:

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

Section M2103.3 Piping Joints

Revise as follows:

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

CHAPTER 24
FUEL GAS

Section G2404.7 Flood Hazard

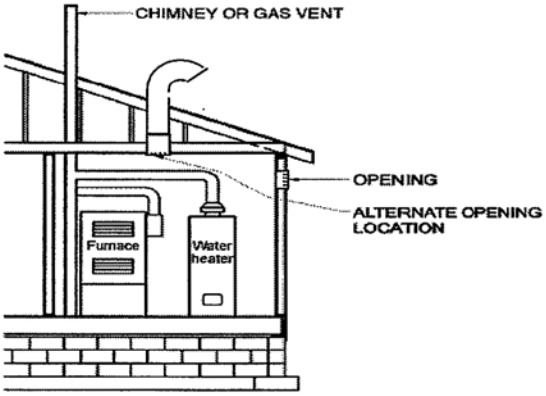
Section G2404.7 Flood Hazard is hereby deleted in its entirety.

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

Revise as follows:



Section G2407.11 (304.11) Combustion air ducts

Revise as follows:

Section G2407.11 (304.11) Combustion air ducts

5. Ducts shall not terminate in an attic space.

Section G2417.4.1 (406.4.3) Test pressure.

Revise as follows:

Section G2417.4.1 (406.4.3) Test pressure. The test pressure to be used shall not be less than one and one-half times the proposed maximum working pressure, but not less than 25 psig, irrespective of design pressure. Where the test pressure exceeds 125 psig the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

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

Revise as follows:

Section G2425.12 (501.12) 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 Chapter10.

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:

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

Section G2442.5 (618.5) Screen.

Revise as follows:

Section G2442.5 (618.5) Required outdoor air inlets shall be covered with a screen having ¼ 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 ¼ inch (6.4 mm) and not larger than ½ inch.

AMENDMENTS FOR THE
2018 INTERNATIONAL BUILDING CODE

CHAPTER 1
SCOPE AND ADMINISTRATION

Section 101.4.3 Plumbing.

Revise as follows:

Section 101.4.3 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. The provisions of the North Dakota State Plumbing Code shall apply to private sewage disposal systems.

Section 104.8 Liability.

Revise as follows:

Section 104.8 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.

Section 105.2 Work exempt from permit

Revise as follows:

Section 105.2 Work exempt from permit…….

Building…

***

2. Fences not over 8.5 feet high.

***

6. Sidewalks and driveways

***

11. Swings and other playground equipment
12. Window awnings
14. Reroofing

Section 107.2.6.1 Design flood elevations.

Section 107.2.6.1 is hereby deleted.

Section 107.3.1 Approval of construction documents.

Revise as follows:

Section 107.3.1 When the building official …One set of construction documents so reviewed shall be retained by the Building Official.

Section 109.2 Schedule of permit fees.

Revise as follows:

Section 109.2 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 local jurisdiction. The plan review fees specified in this subsection are separate from, and in addition to, permit fees.

CHAPTER 2
DEFINITIONS

Section 201.3 Terms defined in other codes.

Revise as follows:

Section 201.3 Terms defined in other codes. 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. Whenever electrical codes are referenced by the International Code Council (ICC) in the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, it shall mean the most recent versions of the National Electrical Code and the North Dakota State Wiring Standards adopted by the North Dakota State Electrical Board and the most recent versions of the Uniform Plumbing Code and the Laws, Rules and Plumbing Installation Standards of North Dakota adopted by the North Dakota State Plumbing Board. Wherever reference is made to flood plain requirements, it shall mean the local flood plain management ordinance.

CHAPTER 3
USE AND OCCUPANCY CLASSIFICATION

Section 305.2 Group E, day care facilities.

Revise as follows:

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

Section 305.2.2 Twelve or fewer children.

Revise as follows:

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

Section 305.2.3 Twelve or fewer children in a dwelling unit.

Revise as follows:

305.2.3 Twelve or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

Section 308.5 Institutional Group I-4, day care facilities.

308.5 Institutional Group I-4, day care facilities. " ... occupied by more than twelve persons of any age ..... "

Section 308.5.1 Classification as Group E.

308.5.1 Classification as Group E. " ..... provides care for more than twelve but not more than 100 children ... "

Section 308.5.3. Twelve or fewer persons receiving care.

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

Section 308.5.4 Twelve or fewer persons receiving care in a dwelling unit.

308.5.4 Twelve or fewer persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit having twelve or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

CHAPTER 4
SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

Section 406.3.2.1 Dwelling unit separation.

Revise as follows:

Section 406.3.2.1 Dwelling unit separation. The private garage shall be separated from the *dwelling unit* and its *attic* area by means of gypsum board, not less than ½ inch (12.7 mm) in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (15.9 mm) Type X gypsum board or equivalent and 5/8 inch (15.875 mm) gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the *dwelling unit* shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) in thickness, or doors in compliance with Section 716.2.2.1 with a fire protection rating of not less than 20 minutes.

CHAPTER 7
FIRE AND SMOKE PROTECTION FEATURES

Section 706.6 Vertical continuity.

Revise as follows:

Section 706.6 is hereby amended to add #7 to read:

7. Fire walls installed within detached structures of Group U or Group S-2 occupancies may terminate at the underside of the roof sheathing provided such walls are not required to be fire-resistive construction due to proximity to property lines.

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 903.3.1.1 NFPA 13 sprinkler systems.

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 905.1 Standpipe Systems

Add as follows:

Section 905.1 Exception: The installation of fire hose on standpipes may be omitted when approved by the fire code official. Approved standpipe hose valves and connection shall be provided where required.

Section 907.2.3 Group E.

Revise as follows:

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

Section 907.2.10.2 Groups R-2, R-3, R-4 and I-1.

Section 907.2.10.2 is hereby amended to add paragraph number 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 the in the adjacent room.

CHAPTER
MEANS OF EGRESS

1010.1.9.4 Locks and latches.

Section 1010.1.9 .4 is hereby amended to add paragraph number 7 to read as follows:

7. Egress doors from occupied roofs, or doors that are used to gain access to the interior of the building may be locked from the outside if all of the following are provided.

7.1 Compliance with all aspects of Section 1010.1.9.4 item #2
7.2 Compliance with 1009.8
7.3 The door locks shall unlock on actuation of the automatic sprinkler system and automatic fire detection system and the door locking system shall be installed to have the capability of being unlocked by a switch located at the Fire Command center.

Section 1011.1 General

Revise as follows:

Section 1011.1:

Exception 1. Within rooms or spaces used for assembly purposes, stepped aisles shall comply with Section 1029.

Exception 2. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public need not comply with sections 1011.2 through 1011.13.

Section 1011.2 Width and Capacity

Add as follows:

Section 1011.2: Exception 4. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public.

Section 1011.5.2 Riser Height and Tread Depth

Revise Exceptions 3 and 4 and add Exception 6 as follows:

Section 1011.5.2: 3. In Group R-3 occupancies; within *dwelling units* in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual *dwelling units* in Group R-2 occupancies; the maximum riser height

shall be 8 inches; the minimum tread depth shall be 9 inches; the minimum tread depth at the walkline shall be 10 inches (254 mm); …

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

Section 1011.11 Handrails

Add as follows:

Section 1011.11 Exceptions:

5. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public. Handrail will be required on one side.

6. Vehicle service pit stairways are exempt from the rules for stairway railings and guardsif they would prevent a vehicle from moving into a position over the pit.

Section 1015.2 Where required

Revise as follows:

Section 1013.2. Guards shall be located along open-sided walking surfaces, including mezzanines, equipment platforms, stairs, ramps and landings, that are located more than 30 inches (762mm) above the floor or grade below or if within 36 inches (914mm) horizontally to the edge of the open side the vertical measurement to the floor or grade below is greater than 48 inches. Guards shall be adequate in strength and attachment in accordance with section 1607.8.

CHAPTER 11
ACCESSABILITY

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

After July 31, 2013, a newly designed and constructed building in excess of seven thousand five hundred square feet [696.77 square meters] which is classified within the state building code as assembly, business, educational, institutional, or mercantile occupancy and required by the state building code to be accessible must include at the primary exterior public entrance an automatic door or power-assisted manual door that complies with the requirements of the Americans with Disabilities Act of1990, revised 2010. If a multiple unit building does not have a primary exterior public entrance, an individual unit within that building is not required to include an automatic door or power-assisted manual door unless that individual unit is in excess of seven thousand five hundred square feet [696.77 square meters].

Section 1104.4 Multistory 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 story, mezzanines, and occupied roof in multilevel buildings and facilities.

Exceptions:

1. An accessible route is not required to stories, basements, mezzanines, and occupied roofs that have an area of not more than 3,000 square feet (278.7 m2), are located aboveor below accessible levels and are below the third story…"

CHAPTER 12
INTERIOR ENVIRONMENT

Section 1202.1 General

Revise paragraph 2 as follows:

Section 1202.1 General. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407 of the International Mechanical Code.

Section 1206 Sound Transmission

Section 1206 is hereby deleted in its entirety.

CHAPTER 14
EXTERIOR WALLS

Section 1402.6 Flood Resistance.

Section 1402.6 is hereby deleted in its entirety.

Section 1402.7 Flood Resistance for coastal high-hazard areas and coastal A zones.

Section 1402.7 is hereby deleted in its entirety.

CHAPTER 16
STRUCTURAL DESIGN

Section 1601.1 Scope

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 1610.1 General

Revise as follows:

Section 1610.1 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 Flood Loads

Section 1612 is hereby deleted in it entirety.

CHAPTER 18
SOILS AND FOUNDATIONS

Section 1804.4 Site grading.

Section 1804.4 is hereby deleted and the following section enacted:

Section 1804.4 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 1804.5 Grading and fill in flood hazard areas.

Section 1804.5 is hereby deleted in its entirety.

Section 1805.1.2.1 Flood hazard areas.

Section 1805.1.2.1 is hereby deleted in its entirety.

Section 1809.5 Frost protection

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 406.3.1.

CHAPTER 29
PLUMBING SYSTEMS

Section 2901.1 General

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. Toilet and bathing rooms shall be constructed in accordance with Section 1210. 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. The International Fire Code, the International Property Maintenance Code and the North Dakota State Plumbing Code shall govern the use and maintenance of plumbing components, appliances, equipment and systems. The International Existing Building Code and the North Dakota State Plumbing Code shall govern the alteration, repair, relocation, replacement and addition of plumbing components, appliances, equipment and systems.

Section 2902.2 Separate Facilities

Revise as follows:

2902.2 Separate Facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex. Exceptions:

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 25 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 of fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 25 or fewer.

Section 2902.6 Small Occupancies

Revise as follows:

Section 2902.6 Small Occupancies. Drinking fountains shall not be required for an occupant load of 30 or fewer.

CHAPTER 33
SAFEGUARDS DURING CONSTRUCTION

Section 3313 Water Supply For Fire Protection

Section 3313 is hereby deleted in its entirety.

AMENDMENTS FOR THE
2015 INTERNATIONAL MECHANICAL CODE

CHAPTER 1
SCOPE AND APPLICATION

Section 101.1 Title

Revise as follows:

Section 101.1 Title. These regulations shall be known as the *Mechanical Code* of the local jurisdiction herein after referred to as "this code."

Section 103.1 General

Revise as follows:

Section 103.1 General. The department of inspections is hereby created and the executive official in charge thereof shall be known as the code official.

Section 103.4 Liability

Add as follows:

Section 103.4 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 civilly or criminally 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 or criminal complaint 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 Posting of a permit

Section 106.4.8 is hereby deleted in its entirety**.**

Section 106.5.2 Fee Schedule

Revise as follows:

106.5.2 Fee schedule. The fees for mechanical work shall be as indicated in the schedule as established by the local jurisdiction.

CHAPTER 2
DEFINITIONS

Section 201.3 Terms defined in other codes.
Revise as follows:

Section 201.3 Terms defined in other codes. 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. Whenever electrical codes are referenced by the International Code Council (ICC) in the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, it shall mean the most recent versions of the National Electrical Code and the North Dakota State Wiring Standards adopted by the North Dakota State Electrical Board and the most recent versions of the Uniform Plumbing Code and the Laws, Rules and Plumbing Installation Standards of North Dakota adopted by the North Dakota State Plumbing Board. Wherever reference is made to flood plain requirements, it shall mean the local flood plain management ordinance.

CHAPTER 3
GENERAL REGULATIONS

Section 305.4 Interval of support

Revise as follows:

Section 305.4 Interval of support. Piping shall be supported at distances not exceeding the spacing specified in Table 305.4, or in accordance with ANSI/MSS SP-58. 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 Drain pipe materials and sizes

Revise as follows:

Section 307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, copper alloy, cross-linked polyethylene, polyethylene, ABS, CPVC, PVC, or polypropylene pipe or tubing. Components shall be selected for the pressure and temperature rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of the North Dakota State Plumbing Code relative to the materialtype. Condensate waste and drain line size shall be not less than 3/4- inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2.

CHAPTER 4
VENTILATION

Section 401.2 Ventilation Required

Revise as follows:

Section 401.2 Ventilation required. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403.

Section 403.1 Ventilation system

Revise as follows:

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

CHAPTER 5
EXHAUST SYSTEMS

Section 504.8.2 Duct Installation

Revise as follows:

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

Section 505.4 Makeup air required

Revise as follows:

Section 505.4 Makeup air required. Exhaust hood systems capable off exhausting in excess of 400 cfm (0.19m3/s) shall be provided with makeup air at a rate in excess of 400 cfm. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

Section 508.2 Compensating hoods

Revise as follows:

Section 508.2 Compensating hoods. 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:

Section 508.2.1 Compensating hoods shall extract at least 40% of the required exhaust air flow from the kitchen area.

CHAPTER 9
SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT

Section 908.5 Water supply

Revise as follows:

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

CHAPTER 10
BOILERS, WATER HEATERS AND PRESSURE VESSELS

Section 1008.2 Discharge

Revise as follows:

Section 1008.2 Discharge. Blowoff valves shall discharge to a safe place of disposal. Where discharging to the drainage system, the installation shall conform to the North Dakota State Plumbing Code.

CHAPTER 11
REFRIGERATION

Section 1104.2 Machinery rooms

Add as follows:

Section 1104.2 Machinery rooms 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.

CHAPTER 12
HYDRONIC PIPING

Section 1208.1 General

Revise as follows:

Section 1208.1 General. New hydronic piping shall be isolated and tested hydrostatically at not less than 100 psi (689 kPa). The duration of the test shall be not less than 15 minutes.

AMENDMENTS FOR 2018 INTERNATIONAL FUEL GAS CODE

CHAPTER 1
SCOPE AND ADMINISTRATION

Section 101.1 Title

Revise as follows:

Section 101.1 Title. 101.1 These regulations shall be known as the *Fuel Gas Code* of the local jurisdiction hereinafter referred to as "this code."

Section 103.4 Liability

Revise as follows:

Section 103.4 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 civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.
Any suit instituted against 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 106.6.2 Fee Schedule

Revise as follows:

Section 106.6.2 Fee Schedule. The fees for work shall be as indicated in the schedule as established by the local jurisdiction.

CHAPTER 2
DEFINITIONS

Section 201.3 Terms defined in other codes.

Revise as follows:

Section 201.3 Terms defined in other codes. 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. Whenever electrical codes are referenced by the International Code Council (ICC) in the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, it shall mean the most recent versions of the National Electrical Code and the North Dakota State Wiring Standards adopted by the North Dakota State Electrical Board and the most recent versions of the Uniform Plumbing Code and the Laws, Rules and Plumbing Installation Standards of North Dakota adopted by the North Dakota State Plumbing Board. Wherever reference is made to flood plain requirements, it shall mean the local flood plain management ordinance.

CHAPTER 3
GENERAL REGULATIONS

Section 304.6.1 Two permanent openings method

Revise as follows:

Section 304.6.1 Two permanent openings method.

***

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

***

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 One permanent opening method

Revise as follows:

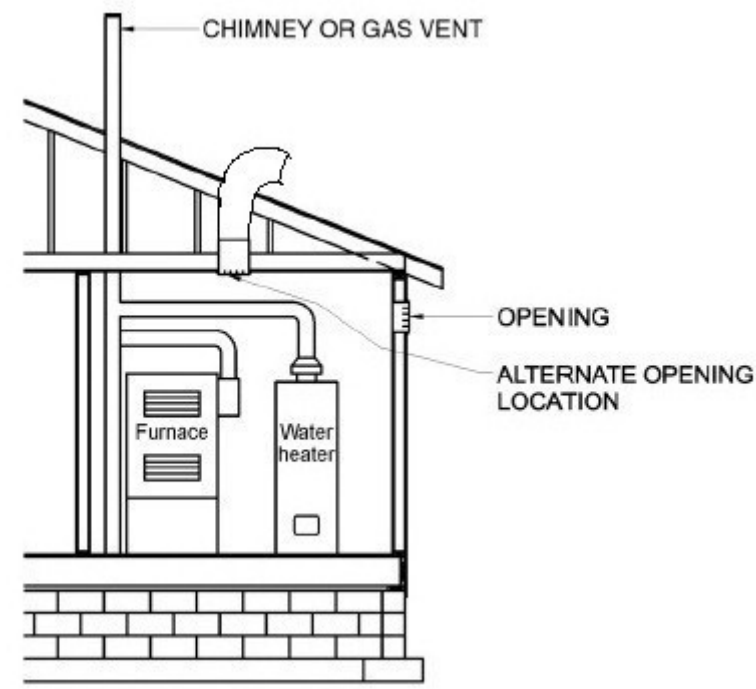
Section 304.6.2 One permanent opening method. One permanent opening, commencing within 12 inches (305 mm) of the top of the enclosure, shall be provided. The *appliance* shall have clearances

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 Combustion air ducts

Revise as follows and add the exception:

Section 304.11 Combustion air ducts. Ducts shall not terminate in an attic space.

CHAPTER 4
GAS PIPING INSTALLATIONS

Section 403.3 Other materials

Revise as follows:

Section 403.3 Other materials. 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 Pipe joints

Add as follows:

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

Section 403.10.5 Metallic fittings

Revise as follows:

Section 403.10.5 Metallic fittings.

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

Section 406.4 Test pressure measurement

Revise as follows:

Section 406.4 Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Dial gauges used to measure test pressures shall be performed with gauges of 2 psi increments or less and have a range not exceeding 100 psi unless otherwise approved.

Section 406.4.1 Test pressure

Revise as follows:

Section 406.4.1 Test pressure. The test pressure to be used shall be no less than 11/2 times the proposed maximum working pressure, but not less than 25 psig irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

Section 408.2 Drips

Revise as follows:

Section 408.2 Drips. Where wet gas exists, a drip shall be provided at any point in the line of pipe where condensate could collect.

Section 411.2 Manufactured home connections

Revise as follows:

Section 411.2 Manufactured home connections. Manufactured homes shall be connected to the distribution piping system by listed and labeled connectors in compliance with ANSI Z21.75/CSA 6.27 and installed in accordance with the manufacturer's installation instructions.

Section 415.1 Interval of support.

Add as follows:

Section 415.1 Interval of support. 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 501.12 Residential and low-heat appliances flue lining systems

Revise as follows:

Section 501.12 Residential and low-heat appliances flue lining systems. 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, fluegases 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 8inches 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 Masonry chimneys

Revise as follows:

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

Section 503.5.6.1 Chimney lining

Revise as follows:

Section 503.5.6.1 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.

CHAPTER 6
SPECIFIC APPLIANCES

Section 614.8.2 Duct installation

Revise as follows:

Section 614.8.2 Duct installation. Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws.

AMENDMENTS FOR THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE

CHAPTER 2
DEFINITIONS

Section 201.3 Terms defined in other codes.

Revise as follows:

Section 201.3 Terms defined in other codes. 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. Whenever electrical codes are referenced by the International Code Council (ICC) in the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, it shall mean the most recent versions of the National Electrical Code and the North Dakota State Wiring Standards adopted by the North Dakota State Electrical Board and the most recent versions of the Uniform Plumbing Code and the Laws, Rules and Plumbing Installation Standards of North Dakota adopted by the North Dakota State Plumbing Board. Wherever reference is made to flood plain requirements, it shall mean the local flood plain management ordinance.

CHAPTER 4
RESIDENTIAL ENERGY EFFICIENCY

Table R402.1.2 Insulation and Fenestration Requirements by Component

Revise as follows:

Climate Zone	###	Wood Frame Wall R-Value	###	Basement Wall R-Value
6	###	21 or 13 +5h,i	###	10/13
7 and 8	###	21 or 13 +5h,i	###	10/13
(Balance of table remains the same)				

Table R402.1.4 Equivalent U-Factors

Revise as follows:

Climate Zone	###	Frame Wall U-Factor	###	Basement Wall U-Factor
6	###	0.057	###	0.059
7 and 8	###	0.057	###	0.059
(Balance of table remains the same)				

Section R402.4 Air leakage (Mandatory)

Add the following exception:

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

Section R402.4.1.2 Testing

Revise as follows:

Section R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1 through 8.

Section R402.4.1.3 Visual Inspection Option

Add as follows:

Section R402.4.1.3 Visual Inspection Option. Building envelope tightness and insulation shall be considered acceptable when installed in accordance with Table R402.4.1.1 - "Air Barrier and Insulation" and has been field verified.

Section R403.3.5 Building Cavities (Mandatory)

Revise as follows:

Section R403.3.5 Building Cavities (Mandatory). Building framing cavities shall not be used as supply ducts.

Section R403.6 Mechanical Ventilation (Mandatory)

Revise as follows:

Section R403.6 Ventilation (Mandatory)

Table R405.5.2(1)

Revise as follows:

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

AMENDMENTS FOR THE 2018 INTERNATIONAL EXISTINGIG BUILDING CODE

CHAPTER ONE
SCOPE AND ADMINISTRATION

Section 101.1 Title

Revise as follows:

Section 101.1 Title. These regulations shall be known as the Existing Building Code of the local jurisdiction hereinafter referred to as "this code."

Section 104.2.2.1 Building evaluation

Revise as follows:

Section 104.2.2. l Building evaluation. The code official is authorized to require an existing building to be investigated and evaluated at the owner's expense by a registered design professional based on the circumstances agreed upon at the preliminary meeting. The design professional shall notify the code official if any potential noncompliance with the provisions of this code is identified.

Section 104.8 Liability

Revise as follows:

Section 104.8 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 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 performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The code 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 Work exempt from permit

Revise as follows:

Section 105 .2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

***

7. Reroofing

8. Window Replacement

CHAPTER 2
DEFINITIONS

Section 201.3 Terms defined in other codes.

Revise as follows:

Section 201.3 Terms defined in other codes. 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. Whenever electrical codes are referenced by the International Code Council (ICC) in the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, it shall mean the most recent versions of the National Electrical Code and the North Dakota State Wiring Standards adopted by the North Dakota State Electrical Board and the most recent versions of the Uniform Plumbing Code and the Laws, Rules and Plumbing Installation Standards of North Dakota adopted by the North Dakota State Plumbing Board. Wherever reference is made to flood plain requirements, it shall mean the local flood plain management ordinance.

Section 1401.2 Conformance

Revise as follows:

Section 1401.2 Conformance. Buildings to be moved within this jurisdiction shall comply with provisions of this chapter. Buildings to be moved into this jurisdiction shall comply with the provisions of the North Dakota State Building Code for new buildings and shall be certified as to that compliance by an agency approved by the code official.

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 65 of this document contains the ADAAG Conformance Statement that is required.

ADAAG CONFORMANCE STATEMENT
NORTH DAKOTA DEPARTMENT OF COMMERCE
DIVISION OF COMMUNITY SERVICES
SFN 19701 (11/16)
(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	
City	State	ZIP Code
Owner	City/County	
Date Construction to Start	Projected Completion Date	
Type of Construction New Building ☐ Sq. Ft. _____ Addition ☐ Sq. Ft. _____ Alteration ☐ 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	Telephone 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 2020		
COUNTIES	**CONTACT PERSON**	**PHONE NUMBER**
Adams	Kim Frank	567-2990
Billings	Stacey Swanson	623-4810
Burleigh	Mitch Flanagan	221-3728
Dunn	Reinhard Hauck	573-4448
Grand Forks	Carole McMahon	780-8421
McKenzie	Curt Huus	444-7167
Morton	Tom Liebel	667-3325
Mountrail	Liz Hollowell	628-2909
Stark	Ken Good	842-2120
Williams	Doug Lalim	577-4567
Ward	Leo Schmidt	857-6429
CITIES	**CONTACT PERSON**	**PHONE NUMBER**
Alexander	Anne Mrachek	828-3461
Amenia	Linda Sell	347-5554
Argusville	Cheri Wetzel	212-3369
Barney	Kevin Youngquist	640-1217
Beach	Kimberly Nunberg	872-4103
Belfield	Mel Zent	264-7748
Beulah	Russell Duppong	873-4637
Bismarck	Brady Blaskowski	355-1465
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	Jay Sandvig	433-5880
Cavalier	Katie Werner	265-8800
Center	Terri Nehring	794-3650
Christine	Todd Johnson	640-3724
Coleharbor	Jerome Eman	442-3454
DesLacs	Tony Tudahl	725-4998
Devils Lake	Mark Lange	662-7600
Dickinson	Leonard Schwindt	456-7744
Drake	Sharon Toy	465-3794
Dunn Center	Linda Kittilson	548-8130
Elgin	Quentin Pfutzenreuter	584-3001
Ellendale	James Eberle	349-3252
Enderlin	Cyndee Chesley	437-3476
Fargo	Bruce Taralson	241-1566
Fordville	Wendell Pfannsmith	229-3279
Forman	Jean Bopp	724-3673
Gackle/Logan	Linda Zenker	485-3331
Garrison	Diane Affeldt	463-2600
Gladstone	Mel Zent	483-2618

CITIES	CONTACT PERSON	PHONE NUMBER
Glen Ullin	Vicki Horst	348-3683
Glenburn	Donna Zeltinger	362-7544
Glenfield	Iris Johnson	785-2390
Golden Valley	Cindy Helling	983-4488
Goodrich	Debbie Tessmann	884-2695
Grafton	Scott Boura	352-1561
Grand Forks	Bev Collings	746-2631
Granville	Bob Bachmeier	728-6369
Gwinner	Dana Grosgehauer	678-2409
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	Mel Zent	483-2618
Horace	Dwight Carpenter	277-1498/237-5305
Hunter	Lonnie Nelson	371-2168
Jamestown	Tom Blackmore	252-5900
Kathryn	Dave Majerus	840-2012
Kenmare	Don Siebert	710-240-9863
Killdeer	Ron Fettig	290-4801
Kindred	Mark Housh	433-5880
Kulm	Emery Lindgren	647-2451
Langdon	Jerry Bimler	256-2155
Larimore	Joe Denault	343-2002
Leonard	George Wendling	645-2254
Lincoln	Mitch Flanagan	221-3728
Lisbon	Donna Gamache	683-4140
Mandan	Shawn Ouradnik	667-3230
Manvel	Joan Sherlock	696-2316
Mapleton	Jay Sandvig	433-5880
Mayville	Gary Winger	786-2166
McClusky	Hannelore Davis	363-2345
McVille	Renae Arneson	322-4343
Medina	Joe Diede	801-819-2606
Medora	Dell Beach	872-6722
Milnor	Kristin Lunneborg	427-5272
Minnewaukan	Sherri Thompson	473-5735
Minot	Luke Tillema	857-4104
Mohall	Ken Shobe	756-6464
Mooreton	Dennis Klosterman	274-8838
New Rockford	George Ritzke	947-2461
New Salem	Jim Schultz	843-8204
New Town	Eileen Zaun	627-4812
North River	Paulette Osborne	232-1103

CITIES	CONTACT PERSON	PHONE NUMBER
Northwood	Marcy Douglas	587-5370
Oakes	April Haring	742-2137
Oxbow	Jay Sandvig	433-5880
Page	Judy Johnson	668-2240
Pekin	Brenda Bjorlie	296-4404/296-4515
Portal	Carolyn Hill	926-3601
Prairie Rose	Bob Staloch	235-9422
Ray	Rhonda Rustad	568-2204
Reiles Acres	Perry Ronning	281-2639
Reynolds	Ken Ihry	847-2604
Richardton	Duane Rakness	290-0034
Rogers	Mary Engle	646-6292
Ross	Diane Seibel	755-3321
Sentinel Butte	James Muckle, Sr.	872-3205
Sherwood	Kristy Titus	721-1336
Souris	Lana Lindstrom	243-6422
South Heart	Mel Zent	483-2618
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
Thompson	Jeremy Aasen	741-1799
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	Jay Sandvig	433-5880
White Earth	Greg Gunderson	755-3498
Williston	Mark Schneider	577-8115
Wilton	Norma Hochhalter	734-6707
Wyndmere	Rochelle Huseth	439-2412
Zap	Clarence Olszewski	948-2256

NOTE: Every effort has been made to ensure the accuracy of the above information. Please contact the Department of Commerce with updates as well as verifying a jurisdiction. Jurisdictions not on this list may have elected to adopt the State Building Code; therefore, we advise contacting the local governing body to confirm building code requirements.

Administrative Rule (Article 108, Chapter 108-01)

ARTICLE 108-01
NORTH DAKOTA STATE BUILDING CODE

Chapter
108-1-1 North Dakota State Building Code

CHAPTER 108-01-01
NORTH DAKOTA STATE BUILDING CODE

Section
108-1-1-1 History
108-1-1-2 Definitions
108-1-1-3 Intent
108-1-1-4 Scope
108-1-1-5 Implementation
108-1-1-6 Effective Date of Adoption of the State Building Code
108-01-01-07 Inquiries
108-1-1-8 Building Code Advisory Committee
108-1-1-9 Updating and Amending the State Building
108-01-01-10 Voting
108-1-1-11 Voting Procedures
108-1-1-12 Publication of Amendments
108-1-1-13 Limitations
108-1-1-14 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.

3. This chapter applies to all state and local government buildings.

4. 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 State 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

North Dakota State Electrical Board
1929 N Washington St., Suite A-1
P.O. Box 7335
Bismarck, ND 58507-7335
(Phone) 701.328.9522
(FAX) 701.328.9524
electric@nd.gov
www.ndseb.com

North Dakota State Board of Plumbing
1110 College Drive, Suite 210
Bismarck, ND 58501
[P] 701-328-9977
[F] 701-328-9979
https://ndplumbingboard.com/

The Boiler Inspection Program
1701 South 12th Street
Bismarck, ND 58504
701.328.9609 - phone
701.328.9610 - fax
800.247.0560 - toll free
800.366.6888 - TTY line

The State Fire Marshall
P.O. Box 1054
Bismarck, ND 58502
[P] 701-328-5555
http://www.ag.nd.gov/FM/FM.htm

ND Department of Health
Division of Food and Lodging
600 East Boulevard, Dept. 301
Bismarck, ND 58505
Phone: 701-328-1291
FAX: 701-328-1890
http://www.ndhealth.gov/FoodLodging/

ND Department of Health
Division of Life Safety & Construction
600 East Boulevard Ave., Dept. 301
Bismarck, ND 58505-0200
Monte Engel, Director
mengel@nd.gov
Fax 701.328.1890
Office 701.328.2352