

ORDINANCE NO. 936

**AN ORDINANCE AMENDING SECTION 18-3001
ADOPTION – BUILDING CODE**

BE IT ORDAINED, by the City Council of the City of Wahpeton, Richland County, North Dakota, that Section 18-3001 be repealed and reenacted to provide as follows

A. The City of Wahpeton hereby adopts as a supplement to its Building Code the following International Building Codes as prepared by the International Code Council:

1. International Building Code, 2009 Edition, with amendments on Exhibit "A".
2. Uniform Plumbing Code, 2009 Edition.
3. International Mechanical Code, 2009 Edition, with amendments on Exhibit "B"
4. National Electrical Code, 2008 Edition.
5. International Property Maintenance Code, 2009 Edition, with amendments on Exhibit "C".
6. International Residential Code, 2009 Edition, with amendments on Exhibit "D".
7. International Fuel Gas Code, 2009 Edition, with amendments on Exhibit "E".
8. International Energy Conservation Code, 2009 Edition, with amendments on Exhibit "F".

B. The City of Wahpeton hereby adopts the most current version of the aforementioned codes as promulgated by the International Code Council. Any further compilation of any or all of the aforementioned codes, or any amendments, extensions, modifications or additions thereto shall be in full force and effect when received by the City of Wahpeton.

C. The effective date of this ordinance shall be January 1, 2011.

Dated this _____ day of December, 2010

CITY OF WAHPETON

By _____
James Sturdevant, Mayor

ATTEST:

Darcie E. Huwe,
Finance Director/City Auditor

First Reading:
Second Reading:
Adoption:

EXHIBIT “A”

**Amendments to International Building Code,
2009 Edition**

IBC

Section 101.1 is hereby amended to read as follows:

Section 101.1 – Title. These regulations shall be known as the Building Code of (~~NAME OF JURISDICTION~~) the city of Wahpeton hereinafter referred to as “this code.”

Section 101.4.3 is hereby amended to read as follows:

Section 101.4.3 Plumbing. The provisions of the ~~International Plumbing Code~~ North Dakota State Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the ~~International Private Sewage Disposal Code~~ North Dakota State Plumbing Code shall apply to private sewage disposal systems.

Section 104.8 is hereby amended to read as follows:

Section 104.8 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 liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

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

of the inspection authorized by this code or any permits or certificates issued under this code.

Section 105.2 Revise as follows:

Work exempt from permit.....

Building:

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. ~~Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of group R-3 and U occupancies.~~
14. Reroofing

Section 107.2.5.1 is hereby deleted.

Section 107.3.1 is hereby amended to read as follows:

Section 107.3.1. Approval of construction documents. When the building officialOne set of construction documents so reviewed shall be retained by the Building Official. ~~The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.~~

Section 109.2 is hereby amended to read as follows:

Section 109.2 -- Schedule of permit fees. 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 applicable governing authority Wahpeton City Council. The plan review fees specified in this subsection are separate from, and in addition to, permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged in an amount not to exceed 50% of the building permit fee established in Section 108.2.

Section 110.3.3 is hereby deleted in its entirety and subsequent sections renumbered accordingly.

Section 305.2 is hereby amended to read as follows:

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

SECTION 308.3.1 IS HEREBY AMENDED TO READ AS FOLLOWS

Section 308.3.1. Child care facilities. Facilities that provide care on a 24-hour basis to more than ~~five~~ twelve children 2 ½ years of age or less.

Section 308.5 is hereby amended to read as follows:

Section 308.5. Group I-4, day care facilities. ...A facility such as the above with ~~five~~ twelve or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code...

Section 308.5.1 is hereby amended to read as follows: A facility that provides accommodations for less than 24 hours for more than ~~five~~ twelve unrelated adults.....

Section 308.5.2 is hereby amended to read as follows:

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

Exception: A child day care facility that provides care for more than ~~five~~ twelve but no more than 100 children 2 ½ years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

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

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

Buildings that do not contain more than two dwelling units.

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

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

Congregate living facilities with 16 or fewer persons.

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

Section 406.1.4 is amended to read as follows:

1. ...Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. ~~Doors shall be self-closing and self-latching.~~

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

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

Section 801.5 is hereby amended to read as follows:

Section 801.5. Applicability. For buildings in flood hazard areas ~~as established in Section 1612.3~~; interior finishes, trim and decorative materials below the design flood elevation shall be flood-damage-resistant materials in accordance with the requirements of the City of Wahpeton Flood Management Ordinance.

Section 903.2.7 Item # 4 is hereby deleted in its entirety.

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

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

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

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

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

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

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

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

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

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser height shall be ~~7.75-inches (197 mm)~~ 8 inches and the minimum tread depth shall be ~~10-inches (254 mm)~~ 9 inches, the minimum winder tread depth at the walk line shall be 10 inches

(254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).

6. ...

7. ...

8. Stairways used to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a handrail on one side only.

1009.12 Handrails. Stairways shall have handrails on each side and shall comply with Section 1012. Where glass is used to provide the handrail, the handrail shall also comply with Section 2407.

Exceptions:

1. Handrails for aisle stairspermitted by Section 1028.13.

5. Changes in room elevations of three or fewer risers within dwelling units and sleeping units in Group R-2 and R-3 do not require handrails.

6. Vehicle service pit stairways are exempt from the rules for stairway railing and guards, if they would prevent a vehicle from moving into a position over the pit.

7. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a handrail on one side only.

Section 1029.2 – Delete Exception

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

1104.4 Multilevel buildings and facilities. At least one accessible route shall connect each accessible level, including mezzanines, in multilevel buildings and facilities.

Exceptions:

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

1.1. Multiple tenant facilities...

(Balance unchanged)

Section 1107.7.5 is hereby deleted in its entirety

Section 1203 item #5 is hereby deleted in its entirety

Section 1207 is hereby deleted in its entirety.

Sections 1403.5 and 1403.6 are hereby deleted in their entirety.

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

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

Section 1507.2.6 is hereby amended to read as follows:

Fasteners. Fasteners for asphalt shingles shall be galvanized, stainless steel, aluminum, or copper roofing nails, minimum 12 gage 0.105 inch (2.67 mm) shank with a minimum 0.375 inch-diameter (9.5 mm) head, of a length to penetrate through the roofing materials and a minimum of 0.75 (19.1 mm) into the roof sheathing or other fasteners as approved by the building official and shingle manufacturer. Where the roof sheathing is less than 0.75 inch (19.1 mm) thick, the nails shall penetrate through the sheathing. Fasteners shall comply with ASTM F 1667.

(BALANCE TO REMAIN UNCHANGED.)

Section 1510 is hereby deleted and relocated as Appendix L.

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

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

Section 1603.1 item #5 is hereby deleted in its entirety

Section 1603.1.7 is hereby deleted in its entirety

Section 1610.1 exception is hereby amended to read as follows:

Exception: Foundation walls extending not more than 8 9 feet (~~2438 mm~~) below grade and laterally supported by at the top by flexible diaphragms shall be permitted to be designed for active pressure.

Section 1612 is hereby deleted in its entirety.

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

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

Section 1804.3 is hereby deleted and the following section enacted:

Section 1804.3 Surface 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.

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

Section 1804.4 is hereby deleted in its entirety.

Section 1805.1.2.1 is hereby deleted in its entirety.

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

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

Section 2901.1 is hereby amended to read as follows:

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

Section 3109 is hereby deleted and moved Appendix M.

Section 3403.2 is hereby deleted in its entirety.

Section 3404.2 is hereby deleted in its entirety.

Section 3405.5 is hereby deleted in its entirety.

Section 3409.2 is hereby deleted in its entirety.

Section 3410.1 is hereby amended as follows:

3410.1 Conformance. Structures moved into ~~or within~~ the jurisdiction shall comply with the provisions of this code for new structures.

Section 3412.2 is hereby amended as follows:

3412.2 Applicability. Structures existing prior to 1952 [~~DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION~~], in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

Section 3412.2.4.1 is hereby deleted in its entirety.

EXHIBIT “B”

**Amendments to International Mechanical Code
2009 Edition**

2009 IMC amends

Section 101.1 is hereby amended to read as follows:

Section 101.1 Title. These regulations shall be known as the *Mechanical Code of the City of Wahpeton* hereinafter referred to as "this code."

Sections 103.1 is hereby amended to read as follows:

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

Section 103.4 is hereby amended to read 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 liable personally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

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

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

Section 106.5.2 Fee schedule. The fees for mechanical work shall be as indicated in the following schedule as established by the Wahpeton City Council.

Section 106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [80] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than [80] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 201.3 is hereby amended as follows:

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

Section 305.4 is hereby amended 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 MSS SP-69. In addition to the requirements of Table 305.4, piping and tubing shall be supported within 2 feet (610 mm) of every bend or angle.

Section 307.2.2 is hereby amended to read as follows:

Section 307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC or PVC pipe or tubing. All components shall be selected for the pressure and temperature rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of ~~Chapter 7 of the *International the North Dakota State Plumbing Code*~~ relative to the material type. Condensate waste and drain line size shall be not less than 3/4-inch (19 mm) internal

diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2.

Section 508.2 is hereby amended 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 is hereby added to read as follows:

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

Section 701.2 is hereby added as follows:

Section 701.2 Attic space. Attic space shall not be used for combustion air.

Section 1101.10 is hereby deleted in its entirety.

Section 1104.2 is hereby amended to add the following new third exception:

3. If an existing refrigerating system is replaced or if an existing refrigeration plant is increased by not more than 50% of its original capacity, but not more than 100 tons per system using a non-flammable class A1 or B1 refrigerant and the refrigeration machinery room was not provided in the original installation prior to 1994, a refrigeration machinery room shall not be required. If the existing refrigeration is not located in general machinery room separated from occupied spaces, a refrigeration machinery room shall be provided. The space containing the refrigeration machinery shall meet the requirement of Section 1104.3.4, protection room refrigerant decomposition., and Section 1105.3. requiring refrigerant detection. If the requirements of 1104.3.4 and 1105.3 cannot be met, a refrigeration machinery room shall be provided.

EXHIBIT “C”

**Amendments to International Property
Maintenance Code
2009 Edition**

IPMC 2009

Section 101.1 is hereby amended to read as follows:

“These regulations shall be known as the Property Maintenance Code of ~~[NAME OF JURISDICTION]~~ the City of Wahpeton, hereinafter referred to as ‘this code’.”

Section 102.3 is hereby amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable ordinances adopted by the City of Wahpeton.

Section 103.5 Fee schedule

Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule:

A. Initial Inspection. - No charge

B. First Re-inspection. - No charge

C. Second Re-inspection. - As to the second re-inspection, a fee of \$50

Section 111.2 first sentence is hereby amended to read as follows:

The board of appeals shall consist of a minimum of ~~three~~ five members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction.

Section 111.2.1 first sentence is hereby amended to read as follows:

The ~~chief appointing authority~~ City Council shall appoint ~~two~~ one or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member.

Section 111.6 is hereby amended to read as follows:

The board shall modify or reverse the decision of the code official only by a concurring vote of a ~~majority of the total~~ four appointed board members.

Section 112.4 is hereby amended to read as follows:

...shall be liable to a ~~fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars~~ subject to penalties prescribed by law.

Section 201.3 is hereby amended to add the following:

Throughout this code, wherever reference is made to the International Plumbing Code, it shall be taken to mean the North Dakota State Plumbing Code. Throughout this code, wherever reference is made to the ICC Electrical Code, it shall be taken to mean the National Electrical Code together with the North Dakota State Wiring Standards.

Section 302.4 is hereby amended to read as follows:

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of eight inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Section 304.14 is hereby amended to read as follows:

304.14 Insect screens. During the period from [DATE] April 1 to [DATE] October 31 every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are

processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Section 602.2 exception is hereby deleted.

Section 602.3 is hereby amended to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat ~~during the period from (date) to (date)~~ to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.3 last sentence of exception 1 is hereby deleted.

Section 602.3 exception 2 is hereby deleted.

Section 603.2 exception is hereby deleted.

Section 704.3 is hereby amended to read in full as follows:

In Group R occupancies and in dwellings not regulated as Group R occupancies, single or multiple station smoke alarms shall be installed and receive their power in accordance with the *International Residential Code* and *International Building Code*.

Section 704.3 exception is hereby deleted.

Section 704.4 is hereby amended to as follows:

When more than one smoke alarm is required to be installed by this Code within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected and installed as required by the *International Residential Code* and *International Building Code*

Section 704.4 exceptions are hereby deleted.

The 2003 IPMC included numerous changes to chapter 7. We had found these changes unclear as to under what level of remodeling or reconstruction an owner was required to add hardwired and or interconnected smoke detectors. The amendments adopted in 2003 have worked well for our department.

EXHIBIT “D”

**Amendments to International Residential Code
2009 Edition**

INTERNATIONAL RESIDENTIAL CODE

Section R101.1 --Titles. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of ~~[NAME OF JURISDICTION]~~ the city of Wahpeton, and shall be cited as such and will be referred to herein as "this code."

Section R104.8 is hereby amended to read as follows:

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

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

Section R104.10.1 is hereby deleted in its entirety.

Section R105.2 is hereby amended to read as follows:

Section R105.2 -- Work exempt from permit.....

Building:

7. ~~Prefabricated Sswimming pools that are less than 24 inches (610 mm) deep.~~
8. ~~Swings and other playground equipment accessory to a one or two family dwelling.~~
9. ~~Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.~~

Section R106.1.3 is hereby deleted in its entirety.

Section R112.2.1 is hereby deleted in its entirety.

Section R112.2.2 is hereby deleted in its entirety.

Section R201.3 is hereby amended to read as follows:

Section R201.3 – 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. Wherever the term 'International Plumbing Code' and/or 'International Private Sewage Disposal Code' is used in the International Residential Code, it shall mean the North Dakota State Plumbing Code. Wherever the term 'ICC Electrical Code' is used in the International Residential Code, it shall mean the National Electrical Code together with the North Dakota State Wiring Standards. Wherever reference is made to flood plain requirements, it shall mean the Wahpeton Flood Plain Management Ordinance.

Section R301.2.4 is hereby deleted in its entirety.

Table 302.1 third and fourth columns are hereby amended as follows:

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

≤3 feet
5 3 feet
4 2 feet
5 3 feet
< 3 feet
3 feet
5 feet
< 5 feet
5 feet

** Add foot note behind (walls 1) – A common 2-hour fire-resistance-rated wall is permitted for two or more family dwellings where the common wall is on a property line provided such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with chapters 33 through 42. Penetrations of electrical outlet boxes shall be in accordance with section 302.4

Section 307.1 Space required. Fixtures shall be spaced in accordance with ~~Figure R307.1~~, and in accordance with the requirements of Section P2705.1 as 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 R310.1 is hereby amended to read as follows:

Section R310.1 – Emergency escape and rescue required. Basements and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section 310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

Exceptions:

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

Section R310.2.1 is hereby amended to read as follows:

Section R310.2.1 -- 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, install a minimum 30"x16" permanently attached platform in the window well, that will reduce the vertical depth of the window well to no more than 42" below the top of the window well and that will not impede the operation of the window. Ladders or steps required by this section shall not be required to comply with Sections R311.5 and R311.6. Ladders or rungs shall have a inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

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

Section R311.3.2 is hereby amended to read 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 ~~7³/₄~~ 8 inches (196~~—~~mm) (203 mm) below the top of the threshold.

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

Section R311.7.4.1 is hereby amended to read as follows:

Section R311.7.4.1 -- Riser height. The maximum riser height shall be ~~7³/₄~~ 8 inches (196~~—~~mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any

flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Section R311.7.4.2 is hereby amended to read as follows:

Section R311.7.4.2 -- Tread depth. The minimum tread depth shall be ~~10~~ 9 inches (~~254~~ mm) the tread depth shall be measured...Winder treads shall have a minimum tread depth of ~~10~~ 9 inches (~~254~~ mm) measured...

Section R311.7.4.2 Tread depth.

Exception:

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

Winder treads shall have a minimum tread depth of ~~10 inches~~ 9 inches...

(Balance to remain unchanged)

Section R311.7.5 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. ~~A flight of stairs shall not have a vertical rise larger than 12 feet (3658 mm) between floor levels or landings. The width of each landing shall not be less than the width of the stairway served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.~~

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

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

Section R312.1 Where Required

Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings that are located more than 30 inches (762mm) measured vertically to the floor or grade below, ~~at any point within 36 inches (914mm) horizontally to the edge of the open side.~~ Insect screening shall not be considered as a guard.

Section R313 is hereby deleted in its entirety.

Section R314.3 is hereby amended to read as follows:

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

* * *

3. On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

Section R506.2.3 is hereby amended to add an exception 4 to read as follows:

Exceptions:

2. for unheated storage rooms having an area of less than 70 square feet (6.5 m²) and carports. (new exception)
5. Attached garages.

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

Section R401.1 Application

The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding ~~as established by Table R301.2(1)~~ shall meet the provisions of Section R324 the Wahpeton Flood Proofing Code and any other applicable requirements of the city of Wahpeton. Wood foundations shall be designed and installed in accordance with AF&PA Report No. 7.

(Balance of section is unchanged)

Section R401.3 is hereby amended to read as follows:

R401.3 Drainage

Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection ~~so as to not create a hazard.~~ Lots shall be graded to drain surface water away from foundation walls. ~~The grade shall fall a minimum of 6 inches (152mm) within the first 10 feet (3048mm).~~

~~Exception: Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152mm) of fall within 10 feet (3048mm), the final grade shall slope away from the foundation at a minimum slope of 5 percent and the water shall be directed to drains or swales to ensure drainage away from the structure. Swales shall be sloped a minimum of 2 percent when located within 10 feet (3048mm) of the building foundation. Impervious surfaces within 10 feet (3048mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.~~

Section R403.1.4.1, Exceptions 1, 2 and 3, are hereby amended to read as follows:

Section R403.1.4.1 -- Frost protection

Exceptions: 1. Protection of freestanding accessory structures ~~with an area of 600 square feet (37 m²) or less of light framed construction and an eave height of 10 feet (3048 mm) or less~~ shall not be required.

2. Protection of freestanding, accessory structures with an area of 400 square feet (37 m²) or less, of other than light-framed construction, ~~with an eave height of 10 feet (3048 mm) or less~~ shall not be required.
3. Decks ~~not supported by a dwelling~~ need not be provided with footings that extend below the frost line.

(Balance of section is unchanged.)

Table R404.1.2(10) is added as follows:

Table R404.1.2(10)
Foundation Wall Reinforcing

Active Pressure = 45pcf

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

Notes:

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

Table R404.1.2(9) is added as follows:

Table R404.1.2(9)
Foundation Wall Reinforcing

Active Pressure = 65 pcf

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

Notes:

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

FIGURE R404.1.2(9)

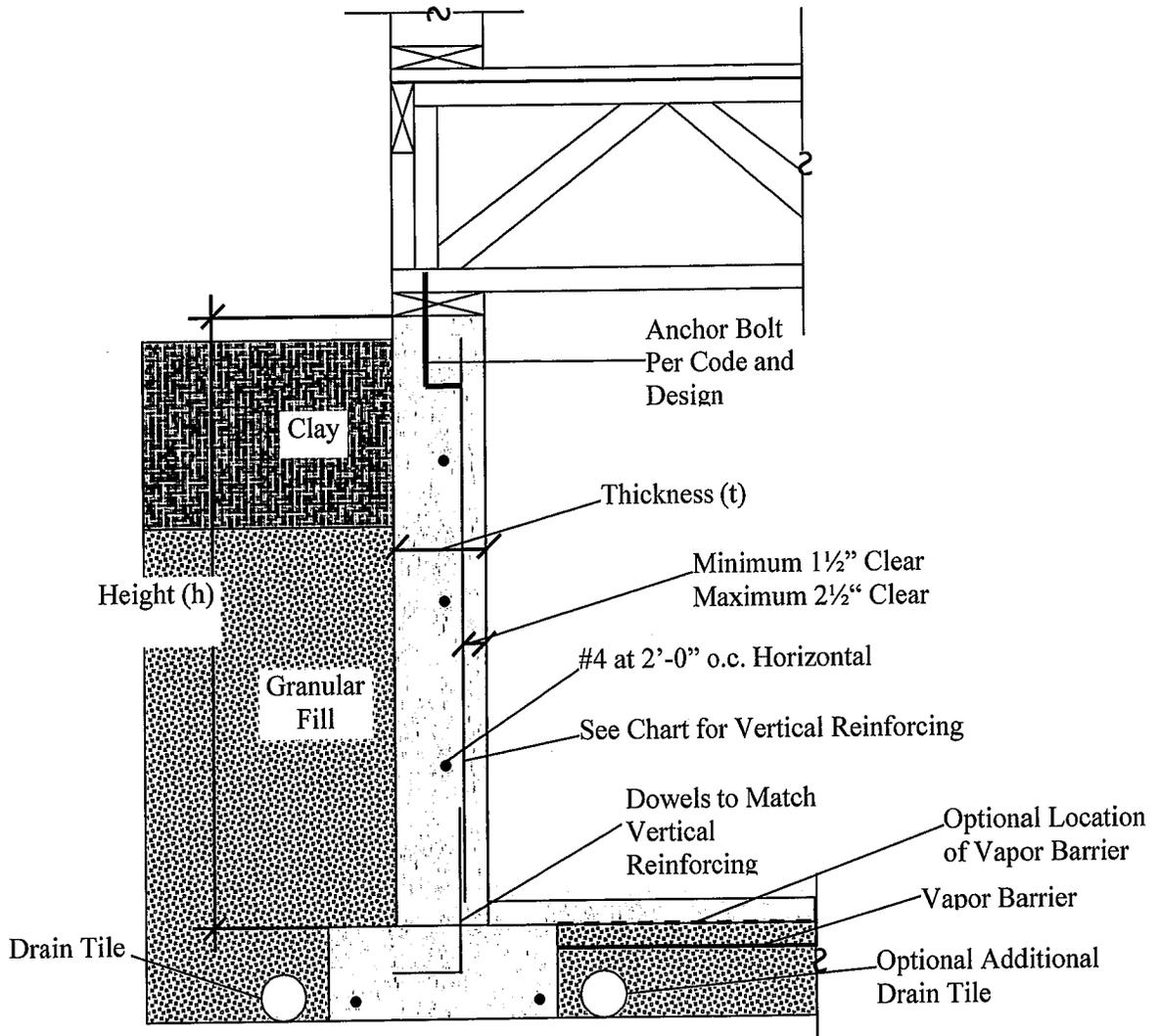
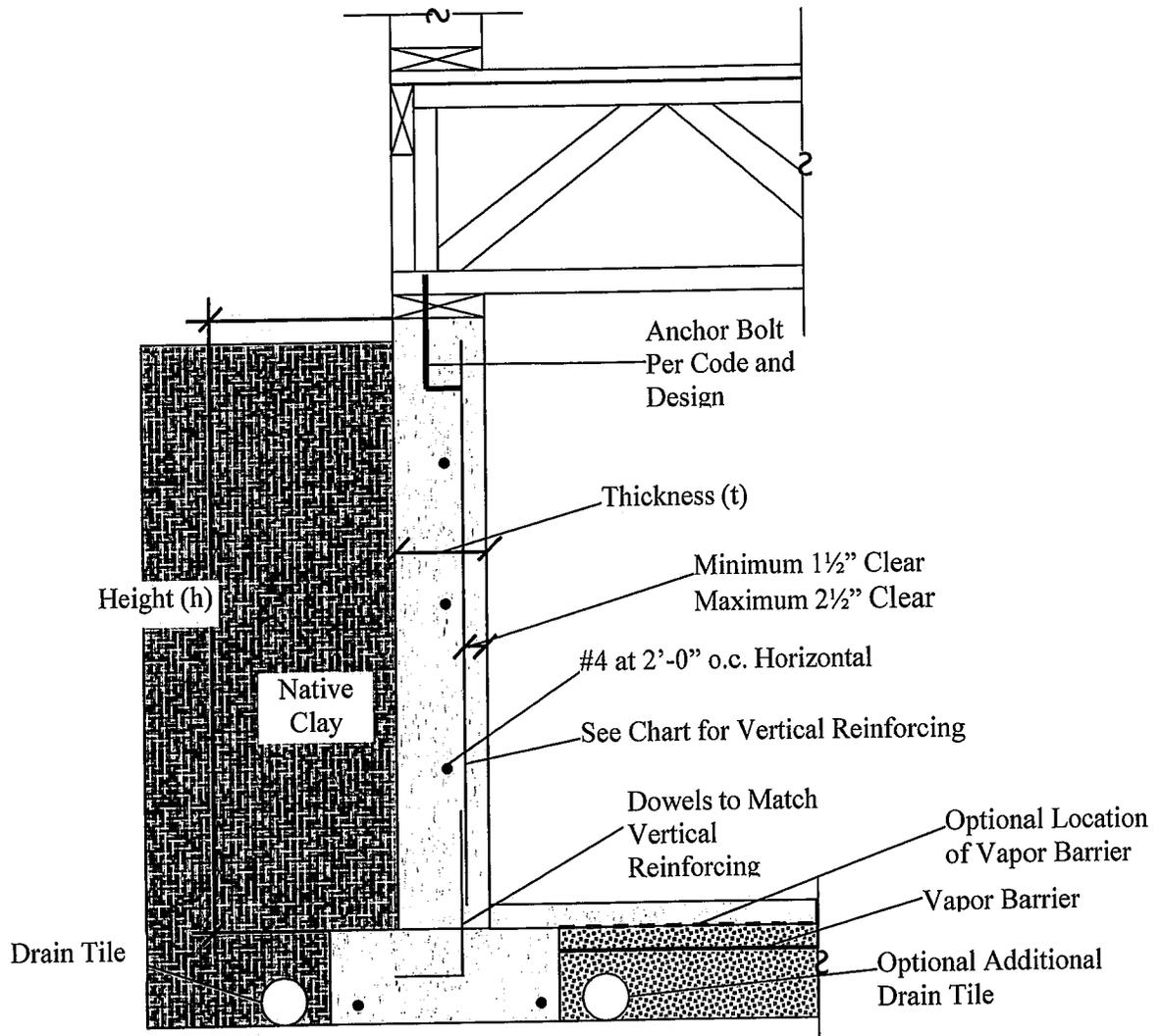


FIGURE R404.1.2(10)



Section R405.2.3 is hereby amended to read as follows:

Section R405.2.3 - Drainage system

In other than Group I soils, a sump shall be provided to drain the porous layer and footings. The sump shall be at least ~~24 inches (610 mm)~~ 18 inches in diameter or ~~20 inches square (0.0129m²)~~ 16 inches square, shall extend at least 24 inches (610 mm) below the bottom of the basement floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an approved sewer system or to daylight.

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

Exceptions:

2. for unheated storage rooms having an area of less than 70 square feet (6.5 m²) and carports. (new exception)
5. Attached garages.

Section R602.10 is hereby amended to read as follows:

Section R602.10 Wall bracing. Buildings shall be braced in accordance with this section. Where a building, or portion thereof, does not comply with one or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with Section R301.1.

Exceptions:

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

Section R703.6.2 is hereby amended to read as follows:

Section R703.6.2 – Plaster. Plastering with portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete, pressure-preservative treated wood or decay-resistant wood as specified in Section R319.1 or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1). Approved decorative coatings applied to a concrete or masonry surface shall be installed in accordance with the manufacturer's installation instructions.

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

Section R905.2.5 is hereby amended to read as follows:

Fasteners for asphalt shingles shall be galvanized steel, stainless steel, aluminum or copper roofing nails, minimum 12 gage [0.105 inch (2.67 mm)] shank with a minimum 3/8 inch (9.5 mm) diameter head, ASTM F 1667, of a length to penetrate through the roofing materials and a minimum of 3/4 inch (19.1 mm) into the roof sheathing or other fasteners as approved by the building official and shingle manufacturer. Where the roof sheathing is less than 3/4 inch (19.1 mm) thick, the fasteners shall penetrate through the sheathing. Fasteners shall comply with ASTM F 1667.

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

Section M1301.1.1 is hereby deleted in its entirety.

Section M1401.5 is hereby deleted in its entirety.

Section M1411.6 is hereby deleted in its entirety.

Section M1502.4.4.1 is hereby amended read as follows:

Section M1502.4.4.1. Specified Length. The maximum length of the exhaust duct shall be ~~25 (7620 mm)~~ 35 (10668 mm) feet from the connection to the transition duct from the dryer to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table M1502.4.4.1.

Section M1601.4.9 is hereby deleted in its entirety.

Section M1603 is amended to read :

M1603.1 General. The minimum unobstructed total area of supply and return air ducts from a warm-air furnace shall be in accordance with the manufacturer's installation instructions, but shall not be less than 2 square inches (1290 MM sq) for each 1,000 Btu/h (293W) output rating of the furnace. The minimum unobstructed total area of the supply and return air ducts from a central air-conditioning unit and/or heat pump shall be in accordance with the manufacturer's installation instructions, but shall be not less than 6 square inches (3870 mm sq) for each 1,000 Btu/h (293W) nominal cooling output rating. Dampers, grilles, or registers installed for the purpose of controlling the supply airflow shall not be considered as obstructions.

Section M1701.2.1 is hereby added to read as follows.

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

Section M1801.1 is hereby amended to read as follows:

Section M1801.1 -- Venting required. Fuel-burning appliances shall be vented to the outside in accordance with their listing and label and manufacturer's installation instructions ~~except appliances listed and labeled for unvented use...~~

Section M2001.4 is hereby deleted in its entirety.

Section M2101.3 is hereby amended to read 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 ~~Section P2902~~ the North Dakota State Plumbing Code.

Section M2101.10 is hereby amended to read 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) for a duration of not less than 15 minutes.

Section M2201.6 is hereby deleted in its entirety.

Section G2404.7 is hereby deleted in its entirety.

Section G2406.2 is hereby amended to delete exceptions 3 and 4 as follows:

Section G2406.2 (303.3) -- Prohibited locations.

Exceptions:

- ~~3. A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section G2445.6 and has an input rating not greater than 6000 Btu/h (1.76kW). The bathroom shall meet the required volume criteria of Section G2407.5.~~
- ~~4. A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section G2445.6 and has an input rating not greater than 10,000 Btu/h (2.93kW). The bedroom shall meet the required volume criteria of Section G2407.5.~~

* * *

Figures G2407.6.1(1) AND G2407.6.1(2) are hereby deleted in their entirety.

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

alternate opening location.

Section G2407.11 is hereby amended to delete item number 5 and renumber subsequent item as follows:

Section G2407.11 (304.11) -- Combustion air ducts. Combustion air ducts shall comply with all the following:

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

Section G2413.5 is hereby amended to read as follows:

Section G2413.5 (402.5) Allowable pressure drop. The design pressure loss in any piping system under maximum probable flow conditions, from the point of delivery to the inlet connection of the appliance, shall be such that the supply pressure at the appliance is greater than or equal to the minimum pressure required by the appliance but such pressure loss shall not be greater than .5 inch water column.

Section G2417.4.1 is hereby amended to read 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 ~~3~~ 25 psig (~~20~~ kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (~~862~~ kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

Section G2419.2 is hereby amended to read as follows:

Section G2419.2 -- Drips. Where wet gas exists, a drip shall be provided at any point in the line of pipe where condensate could collect. ~~A drip shall also be provided at the outlet of the meter and shall be installed so as to constitute a trap wherein an accumulation of condensate will shut off the flow of gas before the condensate will run back into the meter.~~

Section G2425.8 is hereby amended to read as follows:

Section G2425.8 (501.8) -- Equipment not required to be vented.

7. ~~Room heaters listed for unvented use.~~

* * *

Section G2425.12 is hereby amended to read as follows:

Section 2425.12 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 Chapter 10.
2. Listed chimney liner systems complying with UL 1777.
3. Other approved materials that will resist, without cracking, softening, or corrosion, flue gases and condensate at temperatures up to 1800 F (982 C).
 - a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick up to 8 inches in diameter.
 - b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches in diameter or not less than 24 gauge (0.024 inches thick) 8 inches in diameter and larger.

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

Section G2427.5.2 is hereby amended to read as follows:

Section G2427.5.2 (503.5.3) Masonry chimneys. Masonry *chimneys* shall be built and installed in accordance with NFPA211 and shall be lined with ~~approved clay flue lining, a listed chimney lining system or other approved material that will resist corrosion, erosion, softening or cracking from vent gases at temperatures up to 1,800°F (982°C)~~ as per G2425.12.

Exception: Masonry *chimney* flues serving listed gas *appliances* with *draft hoods*, Category I *appliances* and other gas *appliances* listed for use with Type B vents shall be permitted to be lined with a *chimney* lining system specifically

listed for use only with such *appliances*. The liner shall be installed in accordance with the liner manufacturer's installation instructions. A permanent identifying label shall be attached at the point where the connection is to be made to the liner. The label shall read: "This *chimney* liner is for *appliances* that burn gas only. Do not connect to solid or liquid fuel-burning appliances or incinerators."

Section G2442.6 is hereby amended to read as follows:

Section G2442.6 (618.6) -- Screen. Required outdoor air inlets shall be covered with a screen having $\frac{1}{4}$ inch (6.4 mm) openings. Required outdoor air inlets serving a nonresidential portion of a building shall be covered with screen having openings larger than $\frac{1}{4}$ inch (6.4 mm) and not larger than $4\frac{1}{2}$ inch (~~25 mm~~).

Section G2445 is hereby deleted in its entirety.

Chapters 25 through 43 are hereby deleted in their entirety.

EXHIBIT “E”

**Amendments to International Fuel Gas Code
2009 Edition**

2009 IFGC Amendments

Section 101.1 is hereby amended to read as follows:

Section 101.1 – Title. These regulations shall be known as the *Fuel Gas Code* of [~~NAME OF JURISDICTION~~] the city of Wahpeton hereinafter referred to as “this code.”

Section 103.4 is amended to read 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 liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

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

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

Section 106.5.8 is hereby deleted in its entirety:

Section 106.6.2 Fee schedule. The fees for mechanical work shall be as indicated in the following schedule as established by the Wahpeton City Council.

Section 106.6.3 is hereby amended as follows:

Section 106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.

2. Not more than [80] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than [80] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 303.3 is hereby amended to read as follows:

Section 303.3 Prohibited locations. Appliances shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The *appliance* is a direct-vent *appliance* installed in accordance with the conditions of the listing and the manufacturer's instructions.
2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section 304.5
3. ~~A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section 621.6 and has an input rating not greater than 6,000 Btu/h (1.76 kW). The bathroom shall meet the required volume criteria of Section 304.5.~~
4. ~~A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section 621.6 and has an input rating not greater than 10,000 Btu/h (2.93 kW). The bedroom shall meet the required volume criteria of Section 304.5.~~
- 5.3. The *appliance* is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an *approved* self-closing device. All *combustion air* shall be taken directly from the outdoors in accordance with Section 304.6.

Section 304.6.1 is hereby amended to read as follows:

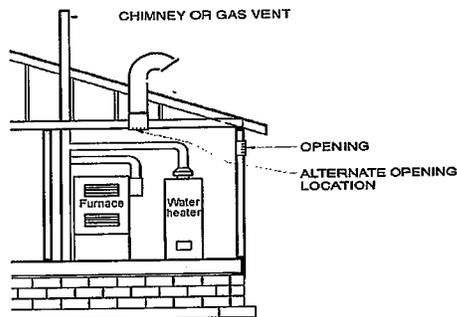
304.6.1 Two-permanent-openings method. Two permanent openings, one commencing within 12 inches (305 mm) of the top and one commencing within 12 inches (305 mm) of the bottom of the enclosure, shall be provided. The openings shall communicate directly, or by ducts, with the outdoors or spaces that freely communicate with the outdoors. Where directly communicating with the outdoors, or where communicating with the outdoors through vertical ducts, each opening shall have a minimum free area of 1 square inch per 4,000 Btu/h (550 mm²/kW) of total input rating of all appliances in the enclosure. ~~[see Figures 304.6.1(1) and 304.6.1(2)].~~

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

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

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

Figure 304.6.2 is hereby amended as shown below:



Section 304.6.2 is hereby amended to read 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, ~~or spaces that freely communicate with the outdoors (see Figure 304.6.2)~~ and shall have a minimum free area of 1 square inch per 3,000 Btu/h (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.

Section 304.11 (5) is hereby amended as follows

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

Section 403.3 is hereby amended 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 is hereby added as follows:

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

Section 403.10.4 is hereby amended to read as follows:

1. Threaded fittings in sizes larger than 4 inches (102 mm) 2 ½ inches or larger shall not be used except where *approved*.

Section 406.4 is hereby amended to read as follows:

Section 406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. ~~Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.~~ Dial gauges used to measure test pressures shall be performed with gauges of 2 psi incrimination or less and have a range not exceeding 100 psi unless otherwise approved.

Section 406.4.1 is hereby amended to read as follows:

Section 406.4.1 Test pressure. The test pressure to be used shall be no less than 1 1/2 times the proposed maximum working pressure, but not less than ~~3 psig (20 kPa gauge),~~ 25 psig irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

Section 408.2 is hereby amended to read 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. ~~A drip shall also be provided at the outlet of the meter and shall be installed so as to constitute a trap wherein an accumulation of condensate will shut off the flow of gas before the condensate will run back into the meter.~~

Section 411.2 is hereby amended to read as follows:

Section 411.2 Manufactured home connections. Manufactured homes shall be connected to the distribution *pipng* system by ~~one of the following materials:~~

- ~~1. Metallic pipe in accordance with Section 403.4.~~
- ~~2. Metallic tubing in accordance with Section 403.5.~~
3. *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 is hereby amended to add the following:

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.

Section 501.8 is hereby amended by deleting item 8 and renumbering as follows:

- ~~8. Room heaters *listed* for unvented use.~~
9. ~~8.~~ Direct-fired makeup air heaters.
- ~~10.9.~~ Other appliances *listed* for unvented use and not provided with flue collars.
- ~~11.10.~~ Specialized appliances of limited input such as laboratory burners and gas lights.

Section 501.12 is hereby amended to read 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, flue gases and condensate at temperatures up to 1,800°F (982°C).

- a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick to 8 inches diameter.
- b. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches diameter or not less than 24 gauge (0.024 inches thick) 8 inches diameter and larger.

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

Section 503.5.3 is hereby amended to read as follows:

503.5.3 Masonry chimneys. Masonry chimneys shall be built and installed in accordance with NFPA 211 and shall be lined ~~with approved clay flue lining, a listed chimney lining system or other approved material that will resist corrosion, erosion, softening or cracking from vent gases at temperatures up to 1,800°F (982°C).~~ as per sec. 501.12.

Section 503.5.6.1 is hereby amended to read as follows:

Section 503.5.6.1 Chimney lining. 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 ~~where the appliance vented by such chimney is replaced by an appliance of similar type, input rating and efficiency.~~ when, in more than one appliance venting system the secondary appliance, such as a water heater, is replaced and the primary heating appliance remains.

Section 621 is hereby deleted in its entirety.

EXHIBIT “F”

**Amendments to International Energy
Conservation Code
2009 Edition**

IECC Amendments 2009

Section 101.1 is hereby amended to read as follows:

101.1 Title. This code shall be known as the *International Energy Conservation Code* of ~~[NAME OF JURISDICTION]~~ the city of Wahpeton, and shall be cited as such. It is referred to herein as "this code."

Section 401.2 is hereby amended by adding a final sentence to read as follows:

401.2 Compliance. Projects shall comply with Sections 401, 402.4, 402.5, and 403.1, 403.2.2, 403.2.3, and 403.3 through 403.9 (referred to as the mandatory provisions) and either:

1. Sections 402.1 through 402.3, 403.2.1 and 404.1 (prescriptive);
- or
2. Section 405 (performance).

Compliance with this chapter may also be demonstrated by compliance with Chapter 11 of the International Residential Code.