

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5352

AN ORDINANCE REPEALING AND RE-ENACTING ARTICLE 31-01
OF CHAPTER 31 OF THE FARGO MUNICIPAL CODE
RELATING TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purpose; and

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be it Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Repeal.

Article 31-01 of Chapter 31 of the Fargo Municipal Code is hereby repealed in its entirety.

Section 2. Re-enactment.

Article 31-01 of Chapter 31 of the Fargo Municipal Code is hereby re-enacted to read as follows:

ARTICLE 31-01

ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE

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Section

- 31-0101 Adoption of International Property Maintenance Code by Reference
31-0102 Amendment to International Property Maintenance Code

31-0101. Adoption of International Property Maintenance Code by Reference.-- There is hereby adopted by reference by the board of city commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the city of Fargo, that certain code known as the International Property Maintenance Code recommended and compiled by the International Code Council, being particularly the 2021 Edition thereof, a copy of which is on file in the office of the city auditor, and the same is hereby adopted and incorporated as if fully set forth herein, and from the provisions thereof shall be controlling within the limits of the city and within the extra-territorial zoning jurisdiction of the city.

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

Section 101.1 is hereby amended to read as follows:

Section 101.1 Title. These Regulations shall be known as the International Property Maintenance Code of ~~[NAME OF JURISDICTION]~~ the city of Fargo, hereinafter referred to as “this code.”

Section 102.3 is hereby amended to read as follows:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of ~~the International Building code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code, and NFPA 70~~ all applicable ordinances adopted by the city of Fargo. ~~Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.~~

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Section 103.1 is hereby amended to read as follows:

Section 103.1 Creation of agency. The ~~[INSERT NAME OF DEPARTMENT]~~ city of Fargo Inspections Department is hereby created and the official in charge thereof shall be known as the code official.

Section 104.1 is hereby amended to read as follows:

Section 104.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code ~~shall be established by the applicable governing authority.~~ are established 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 \$150;
- D. Third Re-inspection. – As to the third re-inspection, a fee of \$150; and
- E. Fourth and continuing Re-inspections. – As to the fourth and any subsequent re-inspection, a fee of \$150.

Section 108.1 is hereby amended to read as follows:

Section 108.1 Membership of the board. The board of appeals shall consist of ~~not less than 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. The code official shall be an ex-officio member but shall not vote on any matter before the board. The board shall be pointed by the ~~Chief appointing authority~~ board of city commissioners, and shall serve staggered and overlapping terms.

Section 201.3 is hereby amended to read 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 Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, ~~International Plumbing Code,~~ International Residential Code, ~~International Zoning Code,~~ or NFPA70, such terms shall have the meanings ascribed to them as stated in those codes. Throughout this code, wherever reference is made to the International Plumbing Code, it shall be taken to mean the North Dakota State Plumbing Code and N.D. Admin. Code Section 62-03.1-01. Throughout this code, wherever reference is made to the NFPA 70, it

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shall be taken to mean the National Electric Code and Chapter 43-09 of the North Dakota State Wiring Standards.

Section 302.4 is hereby amended to read as follows:

Section 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth ~~in excess of (jurisdiction to insert height in inches)~~ as provided by Article 11-08 of the Fargo Municipal Code.

Section 304.14 is hereby amended to read as follows:

Section 304.14 Insect screens. During the period from ~~{DATE}~~ April 1 to ~~{DATE}~~ October 31 of each year, 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 minimum 16 mesh per inch (16 mesh per 25 mm), every screen door used for insect control shall have a self-closing device in good working condition.

* * * *

Section 602.3 is hereby amended to read as follows:

Section 602.4 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from ~~{DATE}~~ September 15th to ~~{DATE}~~ June 1st to maintain a minimum temperature of 68°F (20° C) in all habitable rooms, bathrooms and toilet rooms.

* * * *

Section 602.4 is hereby amended to read as follows:

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from ~~{DATE}~~ September 15th to ~~{DATE}~~ June 1st to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

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Section 703.7 is hereby deleted in its entirety.

Section 3. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$1,000.00; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

/s/
Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

/s/
Steven Sprague, City Auditor

First Reading: 5-16-22
Second Reading: 5-31-22
Final Passage: 5-31-22
Publication: 6-8-22