

TITLE 4
BUILDING REGULATIONS

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CHAPTER 4-01
GENERAL PROVISIONS

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

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

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

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

4-01-04. Appeal and Emergency. All decisions of the fire chief, the director of public health or the building official dealing with violations of this title or the issuance or non-issuance of the licenses or permits required by this title are

subject to appeal to the Board of City Commissioners upon written notice of appeal filed within 15 days of issuance of the decision. If no appeal is filed within the time period specified, the decision of the fire chief, the director of public health or the building official is final. An appeal stays the decision issued unless the fire chief, the director of public health or the building official certifies to the board that a stay would cause imminent danger to life and property in which case the decision may be stayed only by a restraining order from the board or a court of record.

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

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

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

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

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

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

4-01-08. Permits.

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

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

3. The issuance or granting of a permit or approval of plans and or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of this title. The issuance of a permit upon

plan and specifications shall not prevent the fire chief, the director or public health or the building official from thereafter requiring the correction of errors in the plans and specifications, or from preventing building operations being carried on thereunder when in violation of this title or any other provision of this code or ordinance of the city.

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

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

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

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

(Ord. 5707, 02-24-09)

CHAPTER 4-02 BUILDING CODES

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

(Ord. 5316, 05-25-04)

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

2012 International Building Code (IBC)

2012 International Residential Code (IRC) (including appendixes E & J)

2012 International Mechanical Code (IMC)

2012 International Fuel Gas Code (IFGC)

Wiring Standards of North Dakota

North Dakota State Plumbing Code (including appendix H)
(Ord. 4281, 8-23-89; Ord. 4452, 07-21-92; Ord. 4688, 05-23-95; Ord. 4911, 05-26-98; Ord. 5025, 01-11-00; Ord. 5316, 05-25-04; Ord. 5578, 02-26-08; Ord. 5802, 02-22-11; Ord. 6035, 04-08-14)

4-02-03. Subsequent Editions. Subsequent editions or revisions of the codes adopted by Section 4-02-02 shall be considered adopted and in full force and effect within the city upon the adoption thereof by the State of North Dakota and/or the City of Bismarck and the filing of one copy thereof in the office of the City Administrator.
(Ord. 4688, 05-23-95; Ord. 5316, 05-25-04)

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

4-02-05. Permit Fees. The fee for any permit required under this Title 4 shall be as determined from time to time by the Board of City Commissioners, shall be kept on file in the office of the Building Official and the office of the City Administrator, and posted on the City's web-site, and must be paid before the issuance of any permit.
(Ord. 5316, 05-25-04; Ord. 5736, 08-11-09; Ord. 5802, 02-22-11)

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

1. General: Whenever reference is made to the National Electrical Code (NEC) it shall mean the Wiring Standards of North Dakota. Whenever reference is made to the International Plumbing Code (IPC) or the International Private Sewage Disposal Code (IPSDC) it shall mean the North Dakota State Plumbing Code.

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

2. 2012 International Building Code (IBC):

Section 110.1.1: Add: Occupying or permitting occupancy of any building or structure prior to

the issuance of a Certificate of Occupancy shall constitute an infraction under the provisions of the Code of Ordinances of the City of Bismarck.

Section 112 Board of Appeals: Delete.

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

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

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

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

Section [F] 903.2.8 Group R: Amend to read: An automatic sprinkler system installed in Section 903.3 shall be provided throughout all buildings with a Group R fire area, except in one and two family dwellings and townhouses.

Section [F] 903.2.9 Group S-1: Amend item 4 to read: A group S-1 fire area used for storage of commercial trucks, buses, or other similar large vehicles where the fire area exceeds 5,000 square feet.

Section [F] 903.2.9.1 Repair garages: Amend item 4 to read: A group S-1 fire area used for repair of commercial trucks, buses, or other similar large vehicles where the fire area exceeds 5,000 square feet

Section [F] 903.2.10.1 Commercial parking garages: Amend to read: An automatic sprinkler

system shall be installed throughout buildings used for storage of commercial trucks, buses, or other similar large vehicles where the fire area exceeds 5,000 square feet.

Section [F] 903.3.1.2.1 Balconies and decks: Amend to read: Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof, overhang six (6) inches greater, or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

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

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

Chapter 13 Energy Efficiency: Amend to read: Buildings should be designed and constructed in accordance with the 2009 International Energy Conservation Code.

Section 1601.1. Add: It shall not be the responsibility of the building official to determine engineering requirements of this code. Exclusive of the conventional light-frame wood construction provisions referenced in Section 2308, the method to resist loads as referenced in this chapter is the responsibility of a structural engineer or other qualified design professional.

Section 1608.1 General. Amend to read: Design snow loads shall be determined in accordance with section 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607 nor less than 30psf (0.96 kN/m²).

Section 1612 Flood loads. Delete entire section; refer to Chapter 14-04-19 of the Code of Ordinances of the City of Bismarck.

3. 2012 International Residential Code (IRC):

Section R105.2: Amend to read:

Building:

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

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

Section R112 Board of Appeals: Delete.

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

Section R313 Delete in its entirety.

Section R322 Flood-Resistant Construction. Delete entire section; refer to Chapter 14-04-19 of the Code of Ordinances of the City of Bismarck.

Section R403.3 - R403.3.4 Frost Protected Shallow Foundations. Delete:

Add: Table R404.1.2(10) Alternative concrete foundation wall reinforcement for light frame construction. Add:

Number of stories	Width of Foundation wall (inches)	Width of Footings (inches)	Thickness of Footing (inches)	Depth of Footing Below Finish Grade
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				(feet)
1	8	16	8	4
2	8	16	8	4
3	10	18	10	4
Attached Garage	6	12	8	4

Additional Notes:

Eight-foot foundation walls must be reinforced as follows: Horizontal bars - two number 4 bars within 12 inches of top of foundation, two number 4 bars in the lower 12 inches of the wall, one number 4 bar in the middle one-third of the wall height, one additional horizontal number 4 bar shall be required for each additional four feet of wall height or fraction thereof, two number 4 bars below each window opening extending 18 inches beyond each side of opening, two number 4 bars vertical on each side of an opening extending 18 inches beyond the opening. A four-foot foundation shall require a minimum of four number 4 bars arranged as required for eight-foot walls.

Detached residential garage foundations may use concrete slab construction providing such slabs are at least four inches thick and thickened to at least 12 inches at their edges, and such thickness have a horizontal width of at least eight inches at their bottom. Two number 4 bars must be provided in the thickened area of the slab and must be continuous in the wider portion of the slab and a six-inch by six-inch, ten-gauge reinforcing mesh shall be installed throughout the slab area in addition to the perimeter reinforcement. Detached garage slabs constructed on fill must be provided with reinforcement conforming to the requirements of specifications of the latest edition of "Concrete Steel Institute Design Handbook". Detached garages that do not utilize on grade slab construction shall have the exterior foundation walls not less than 8 inches thick extending 16 inches below finished grade and be reinforced with not less than two number 4 bars.

Support for open porches, steps, terraces and decks shall consist of perimeter foundations as required for attached garages in Table R404.1.2, or not less than six (6) inch diameter piers, properly spaced to support the imposed loads,

which extend to undisturbed soil but not less than four (4) feet below finished grade.

Section R405 Foundation Drainage. Delete exception to Section R405.1.

Section R501.3 Fire Protection of Floors. Add: Effective date, January 1, 2015.

Chapter 11 Energy Efficiency. Delete and replace with Chapter 11 of the 2009 International Residential Code.

Section 1103.1.1 Delete.

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

Chapters 25 through 43. Delete.

Appendix E Section AE101.1. Amend to read: These provisions shall be applicable only to a manufactured home used as a single dwelling unit installed on non privately owned (rental) lots.

4. 2012 International Mechanical Code (IMC)

Section 109 Means of appeal. Delete.

5. 2012 International Fuel Gas Code (IFGC)

Section 109 Means of appeal. Delete.

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

6. Wiring Standards of North Dakota.

Article 24-02-01-03 General requirements. Add paragraph 9. All occupancies shall be wired in an approved raceway system.

Exception: R-2, R-3 and R-4 occupancies may be wired in any method permitted.

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

4-02-07. Occupancy and Zoning Requirements. Structures shall conform to all requirements restricting use, occupancy and class of construction as established according to zoning and other ordinances.

(Ord. 5316, 05-25-04)

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

4-02-09. Regulations Governing Electricians. All electrical work to be performed within the city must be done only by persons holding a master electrician's license issued pursuant to state law. All other workmen employed in any electrical work shall possess the license or qualifications required by state law.
(Ord. 5316, 05-25-04)

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

CHAPTER 4-03 DANGEROUS BUILDINGS

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

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

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

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

1. Definitions:

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

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

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

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

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

4. A new subsection 401.6 is hereby added:

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

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

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

7. A new subsection 605.9 is hereby added:

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

Reference: NDCC 40-05-02

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

4-03-05. Violations. A violation of any of the provisions of the Uniform Code for the Abatement of Dangerous Buildings is an offense.
(Ord. 5316, 05-25-04)

CHAPTER 4-04
SIGNS AND OUTDOOR DISPLAY STRUCTURES

4-04-01. Adoption of The International Building Code Appendix H, Signs. There is hereby adopted by the City of Bismarck and incorporated by reference herein the most recent adoption of the International Building Code (IBC), Appendix H as developed by the International Code Council except those portions hereinafter deleted, modified or amended. One copy must be on file in the office of the City Administrator.
(Ord. 4283, 9-05-89; Ord. 4452, 07-21-92; Ord. 4688, 05-23-95; Ord. 4911, 05-26-98; Ord. 5316, 05-25-04; Ord. 5945, 02-26-13; Ord. 6191, 03-08-16)

4-04-02. Subsequent Editions. Subsequent editions of the code adopted by provisions of the chapter shall be considered adopted and in force and effect upon approval thereof by the board and the filing of one copy in the office of the City Administrator.
(Ord. 4688, 05-23-95; Ord. 5316, 05-25-04)

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

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

Definitions is hereby amended to add the following definitions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Privilege Panel Sign: Any sign provided by the distributor or manufacturer of a product which utilizes the major portion more than 25% of the sign face to advertise a specific product with a lesser portion of the sign allocated to the name of the business upon which the sign is located.

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

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

form a sight triangle on the area of the lot adjacent to the street intersection.

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

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

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

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

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

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

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

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

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

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

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

(Ord. 4688, 05-23-95; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)

4-04-06. Permit Fees. A sign permit fee is the same as established in Chapter 4-02-05 Building Permit Fees.

(Ord. 5316, 05-25-04)

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

1. Signs which resemble or which interfere to any degree with the effectiveness of a traffic control device, sign or signal; which are placed beside or behind a traffic control device in a location or at a height that makes a motorist's view of a traffic control device indistinguishable from the sign; which obstruct or interfere with a motorist's view of approaching, merging or intersecting traffic within the operational area of an

intersection; or which have distracting flashing or moving lights so designed or lighted as to create a traffic hazard are prohibited may not be erected at the intersection of any street or alley in such a manner as to obstruct the free and clear vision of persons using the intersecting streets.

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

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

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

5. Spite signs are prohibited.

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

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

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

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

10. Flashing signs are prohibited.

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

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

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

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

4-04-08. Obsolete Signs. Any sign which no longer advertises a bona fide business conducted, or a product sold,

must be taken down and removed by the owner, or person having the beneficial use of the building or premises upon which the sign may be found, upon notification by the building official pursuant to chapter 4-01.

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

4-04-09. Specific Provisions For the Central Business District. The central business district is described as those areas of the downtown located within the DC - Downtown Core and DF - Downtown Fringe zoning districts. Within this district:

1. Signs containing or utilizing flashing lights are prohibited.

2. Privilege panel signs are prohibited except when eighty percent of their total area is devoted solely to the name of the business or firm upon which they are located.

3. All types of signs not specifically authorized within this chapter are prohibited in the central business district.

4. Off-premise signs are prohibited.

5. Canopy signs:

a. May not extend more than twelve inches below a canopy.

b. May not extend closer than three inches from any edge of a canopy.

c. May be located beneath or above an overhead canopy but shall not project lower than seven feet above sidewalk.

6. Marquee signs:

a. Shall be constructed entirely of metal or other approved materials.

b. May not exceed three feet in height nor may they project below or above the fascia of the marquee nor lower than nine feet above the sidewalk.

c. May extend the full length but in no case shall they project beyond the ends of the marquee.

7. Projecting signs:

a. A sign may not project from the face of any building or structure a distance more than thirty-six

inches, be less than ten feet or more than twenty feet in height.

b. A clear space of not less than eight feet must be provided below all parts of projecting signs above grade level.

c. A projecting sign may not extend more than six feet above a building roofline.

d. Projecting signs must be of uniform width throughout their vertical length and shall not exceed eighteen inches in width.

e. Only one projecting sign for each main floor entrance is permitted.

f. A projecting sign may not originate from other than a main floor canopy, marquee or storefront.

g. Secondary main floor business may utilize a portion of any projecting sign.

h. A projecting sign may not be permitted in an alleyway.

8. Pole signs:

a. A pole sign may not be more than forty feet in height nor extend more than three feet into a public access or right-of-way.

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

c. Pole signs must be constructed of approved materials.

d. A pole sign's support must be approved by the building official.

e. Only one pole sign per business establishment is permitted.

f. A pole sign's support shall originate from the surface of the ground only.

9. Wall signs:

a. All signs placed against exterior walls of buildings and structures may not extend more than twelve inches from a wall's surface.

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

c. No combination of wall signs may exceed twenty-five percent of the wall surface in area.

d. Wall signs must be related to the primary business conducted within the building. Wall signs that advertise products, services or other messages not related to the primary business conducted within the building are prohibited.

e. A wall sign may not extend beyond the width of a building or project above the roof line.

f. Wall signs, other than signs painted on an exterior wall of a building in accordance with this subsection, must be dimensional in nature, utilizing raised letters, numerals, etc., which must be at least one inch beyond base surface of the sign.

g. Only one wall sign for each main floor or basement business is permitted. Second floor businesses may utilize wall signs to advertise their establishments but must do so between floors and not below their floor.

h. Wall signs illuminated from within need not be dimensional in nature.

10. Roof signs:

a. The message portion of roof signs must be three-dimensional.

b. Roof signs may not exceed twenty feet in height or extend beyond any building surface.

11. Window signs:

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

b. Window signs may not advertise or identify a business other than the one contained therein.

c. A window sign may not use letters more than six inches in height.

12. Basement business signs:

a. When not more than two businesses exist in a building basement, appropriate signs or directories to such businesses must be provided on the wall over the entrance to the basement. The signs or directories may not exceed eight square feet in area.

b. When only one business is utilizing a basement area, an appropriate wall sign may be provided.

13. Sidewalk Signs. These Provisions apply to the Central Business District.

a. All signs must be portable.

b. One sign of this type will be allowed per place of ground level business.

c. The maximum width of a sign shall be 2-feet and maximum height shall be 3-feet for a total of six square feet of surface area per side.

d. The sign support and base shall not extend beyond the edge of the sign.

e. The support of the sign shall be able to withstand a wind load of 30 MPH and maintain an upright position.

f. The sign shall be placed directly in front of the business and at the legal setback line or edge of right-of-way.

g. A sign shall be placed only where the minimum width of six continuous feet for pedestrian movements can be maintained.

h. This type of sign is restricted to the Central Business District as defined herein (DC Downtown Core and DF Downtown Fringe zoning districts).

i. Signs may be placed on the sidewalk only during hours of operation and must be removed during non-business hours.

j. Signs may be used for on premise advertising only.

k. A sign may not be placed on sidewalk (right-of-way) without first acquiring an encroachment agreement from the Engineering Department.

1. Signs shall not be illuminated.

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

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

(Ord. 5183, 05-28-02; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09; Ord. 5912, 08-14-12; Ord. 6191, 03-08-16)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Any lighting of any sign shall be from an external light source directed at the sign, rather than from internal illumination. Lighting for the sign shall be so directed as to not interfere with the movement of traffic on adjacent roadways or be a nuisance to adjacent property owners. Signs with electronic message boards are specifically prohibited unless the property is a school located in a P-Public district adjacent to a commercially or industrially zoned property. In those situations, an electronic message board may be allowed as a special use, with the following provisions:

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

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

c. The message(s) is displayed for a period of not less than twenty-four (24) continuous hours.

d. The displayed message(s) does not flash, twinkle, strobe, or in any other way move or animate in such a way that may distract drivers or draw unnecessary attention.

e. The overall size of the freestanding sign including the electronic message board does not exceed eighty (80) square feet in area or twenty-five (25) feet in height.

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

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

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

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

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

8. Privilege panel signs are prohibited.

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

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

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

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

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

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

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

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

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

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

5. Only one (1) electronic message center sign shall be allowed per property street frontage. An electronic message center sign with two (2) or more faces back-to-back shall be treated as one (1) sign, provided said faces are parallel or have an angle of separation of no more than thirty (30) degrees or are at right angles to street traffic. Two (2) or more electronic message center signs mounted side-by-side shall not be treated as one sign and shall not be allowed.

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

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

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

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

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

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

b. Entrance and exit effects may be used to transition from one frame to another, provided said entrance effects result in all of the text within the frame appearing at once or in the order that the text is normally read (including, but not limited to, scrolling from right to left or scrolling from bottom to top entrance effects). Entrance effects where all of the text within the frame does not appear at once or in the order that the text is normally read are prohibited (including, but not limited to, scrolling from left to right, scrolling from top to bottom, and entrance effects referred to as slot machine, slots, splice, mesh, radar, kaleidoscope and spin). There are no limitations on the types of exit effects used.

Except for such transitions, each frame shall remain static with no additional frame or hold effects applied to text within the frame (including, but not limited to, the fading or flashing on any part of the message and hold effects referred to as flash, spin, twinkle, wavy and rumble). The use of bijou lights as a frame effect is allowed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 4-05

MOVING AND DEMOLITION OF BUILDINGS AND STRUCTURES

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

(Ord. 5316, 05-25-04)

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

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

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

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

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

4. Foundations and concrete floors shall be completely removed.

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

4-05-04. Moving Permits.

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

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

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

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

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

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

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

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

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

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

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

f. All agencies needed for moving of overhead wires and cables and electricians needed for moving of traffic signals and street lights shall be available at the time of moving the structures.

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

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

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

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

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

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

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

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

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

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

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

4-05-05. Inspection. The building official shall inspect the building prior to demolition or moving. If any house or building to be moved is located outside the city, the owner shall deposit sufficient money with the City Administrator to cover the cost of the city for conducting an inspection.

(Ord. 4688, 05-23-95; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)

CHAPTER 4-06 SWIMMING POOLS

4-06-01. Purpose. The purpose of this chapter is to provide guidance in the design, construction and operation of

swimming pools so as to protect the health, safety and general welfare of the public.

(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04)

4-06-02. Rules and Regulations. The director of public health shall promulgate reasonable rules and regulations covering approval of the design and construction of swimming pools and covering the operation and maintenance of public and semi-public swimming pools for the protection and promotion of public health and safety.

(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)

4-06-03. Enforcement. The director of public health or agent shall enforce this chapter.

(Ord. 4865, 08-26-97; Ord. 5188, 7-23-02; Ord. 5316, 05-25-04; Ord. 5642, 11-13-07; Ord. 5707, 02-24-09; Ord. 6156, 10-13-15)

4-06-04. Definitions.

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

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

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

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

5. "Seasonal swimming pool" means any above ground, prefabricated structure for holding water for swimming, diving or recreational wading or bathing including wading pools and hot tubs. The requirements of this chapter do not apply to the residential use of a seasonable swimming pool.

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

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

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

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

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

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

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

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

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

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

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

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

1. The site of the proposed swimming pool must have approved water supply and waste disposal facilities available. In the case of outdoor pools, topography, protection from prevailing winds, the absence of trees in the near vicinity, distance from dusty roads and industries

producing smoke or obnoxious odors, shall be considered in determining the suitability of proposed sites.

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

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

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

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

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

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

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

7. The slope of the floor in the shallow portion of the pool may not be greater than one foot in fifteen feet where the water depth is less than five and one-half feet. There may not be sudden changes in slope in this area. In pools less than forty-two feet in length, the rate of slope in the shallow portion may not exceed one foot in eight feet. The bottom slope of the pool at depths greater than five and one-half feet may not be greater than one foot in three feet. The bottom of the pool shall slope to the main drain or the outlets. Joints between the floors and walls shall have a cove radius of at least one inch and may not exceed more than eight inches if the water depth is less than six feet.

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

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

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

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

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

12. The depth of water in the pool must be plainly marked at points of maximum and minimum depth, at the break between the deep and shallow areas, and at intermediate depths spaced at not more than twenty-five foot intervals. The markers must be placed on the pool wall and edge of deck, be at least four inches in height and of a contrasting color, and must be located on both sides and ends of the pool. The depth markers on the pool decking shall be non-slip type.

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

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

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

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

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

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

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

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

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

14. One lifeguard must be provided for each two thousand square feet of pool surface area or fraction thereof. If a pool requires two lifeguards, they must be

positioned on opposite sides of the pool. Lifeguards are not required if the pool is less than two thousand feet in water surface and is classified as semipublic.

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

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

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

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

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

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

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

treating the entire pool volume of water in no more than thirty minutes.

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

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

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

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

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

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

21. Filtration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

to insure that the mask will be serviceable when needed.

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

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

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

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

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

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

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

28. Bathhouse: if provided:

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

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

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

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

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

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

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

h. A clothing storage area must be provided.

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

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

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

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

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

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

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

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

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

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

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

36. Indoor pools:

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

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

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

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

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

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

4-06-07. Operation Permits. A person may not operate or maintain a public or semi-public swimming pool unless a permit has been obtained to operate such pool. The permit must be obtained by January 1st of each year from the director of public health, and is valid for one year unless revoked for cause. A person operating a semi-public or public pool must be licensed as a "Certified Pool Operator" by the National Swimming Pool Foundation. If a certified operator is no longer employed by the

pool owner, the new operator, if not already certified, must seek certification at the earliest opportunity not to exceed six months.

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

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

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

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

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

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

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

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

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

- a. Immediately close the pool and evacuate swimmers;
- b. Remove the fecal matter or vomit with a net or scoop and dispose in a sanitary manner;
- c. Maintain the free chlorine residual of 2.0 mg/liter or higher and ensure the pH is 7.5 or less and the pool temperature is 77 degrees Fahrenheit or higher for at least 25 minutes;

d. Reopen the pool once disinfectant levels and pH are within the normal operating range;

e. Document the incident in the daily records.

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

a. Immediately close the pool and evacuate swimmers;

b. Remove as much fecal material as possible using a net or scoop and dispose in a sanitary manner;

c. Raise the free chlorine residual to 20 mg/liter and confirm by using chlorine test strips or making test kit sample dilutions. Maintain a pH of 7.5 or less and a pool temperature of 77 degrees Fahrenheit or higher. Maintain the pH and chlorine level for at least 12.75 hours;

d. Backwash the filter after the full disinfection time. Discharge the effluent directly to waste;

e. Reopen the pool once disinfectant levels and pH are within the normal operating range.

f. Document the incident in the daily records.

If the pool is contaminated with blood:

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

b. Document the incident in the daily records.

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

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

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

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

7. Post pool rules in an easily viewed location.

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

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

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

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

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

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

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

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

14. No more than 15 percent of water samples submitted may exceed the current acceptable bacteriological standards for swimming pools as established by the North Dakota State Department of Health.

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

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

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

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

1. Private swimming pools in residential areas may be located only in the rear yards and no part of the pool may be less than four feet from any property line. Equipment enclosures and any other above grade pool-related structures shall comply with the requirements for accessory structures in the zoning district in which the pool is located.

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

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

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

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

Outdoor Residential Swimming Pool

All outdoor swimming pools shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

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

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

EXCEPTIONS:

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

b. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increase up to 4 inches when the

distance between the tops of the horizontal members is 45 inches or more.

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

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

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

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

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

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

c. Other means of protection may be acceptable so long as the degree of protection is afforded is not

less than that afforded by any of the devices described above.

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

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

Indoor Residential Swimming Pools

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

(Ord. 4865, 08-26-97; Ord. 5316, 05-25-04)

CHAPTER 4-07

FIRE PREVENTION CODE

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

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

Bismarck Building Code

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

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

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

4-07-03. Conflicts. In the event of any conflict between the provisions of the Code adopted by this chapter and

applicable provisions of state law or city ordinances, rules or regulations, the provisions of the city ordinances, rules, or regulations shall prevail and be controlling.

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

4-07-04. Definitions.

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

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

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

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

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

(Ord. 5497, 04-25-06)

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

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

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

1. Chapter 1. Administration.

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

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

Section 108, Board of Appeals: Deleted.

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

Section 109.4 Violation penalties. A person who violates a provision of this code or who fails to comply with any of the requirements thereof or who erects, installs, alters, repairs or does work in violation of the approved construction documents or directives of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of an infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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

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

2. Chapter 2. Definitions

Section 202 General Definitions is amended as follows:

Fireworks, 1.4G to add the following: The definition includes those items defined or otherwise listed in NDCC 23-15-01, as that section may be amended from time to time.

Occupancy classifications [B] Educational Group E, day care facilities.

Change "five" to read "twelve"

Occupancy classifications [B] Residential Group R-3, Care facilities within a dwelling.

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

3. Chapter 3. General Requirements.

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

Section 308.1.4, Open-flame cooking devices. Amend Exemption 3: 2.5 pounds to read 20 pounds. Devices using deep oil containers, i.e. turkey fryers, shall not be included in this exception.

4. Chapter 4 Emergency Planning and Preparedness

Section 408, Use and Occupancy-Related Requirements, is amended to read as follows:

Section 408.11.3 Item 1.

Keep storage of any materials neat and orderly.

5. Chapter 5 Fire Service Features

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

Section 510.4 Technical requirements.

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

Section 510.5 Installation requirements. Delete

Section 510.6 Maintenance.

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

6. Chapter 9. Fire Protection Systems.

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

Section 903.2.8 Group R.

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with Group R fire area, except in one and two family dwellings and townhouses.

Section 903.2.9 Group S-1, Item 4

A Group S-1 fire area used for storage of commercial trucks, buses, or other similar large vehicles where the fire area exceeds 5,000 square feet (464 m²).

Section 903.2.9.1 Repair garages, Item 4

A Group S-1 fire area used for the repair of commercial trucks, buses, or other similar vehicles where the fire area exceeds 5,000 square feet (464 m²).

Section 903.2.10.1 Commercial parking garages.

An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks, buses or other similar vehicles where the fire area exceeds 5,000 square feet (464 m²).

Section 903.3.1.2.1 Balconies and decks.

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

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

Section 905.1 General.

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

7. Chapter 11. Construction Requirements for Existing Buildings

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

Section 1103.6.1 Existing multiple-story buildings.

Change 50 feet (15 240 mm) to read five (5) stories.

Section 1103.9 Carbon monoxide alarms.

Add: Stand-alone carbon monoxide alarms would be allowed until such time as the fire alarm system is updated.

8. Chapter 56. Explosives and Fireworks.

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

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

Delete Exceptions 2 and 4.

Section 5601.2.4.2, Fireworks display is hereby amended by substituting the following paragraph:

The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or five hundred thousand dollars (\$500,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

9. Chapter 57. Flammable and Combustible Liquids.

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

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

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

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

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

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

10. Chapter 61. Liquefied Petroleum Gases.

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

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

Within residentially-zoned districts of the corporate boundaries of the City of Bismarck, storage of liquefied petroleum gas used as a permanent fuel gas

supply to a structure shall not exceed a maximum water capacity of 29 gallons (109 L).

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

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

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

CHAPTER 4-08 MOBILE HOMES AND RECREATIONAL VEHICLES

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

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

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

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

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

2. "Mobile home lot" means a designated parcel of land in a mobile home community designated for the accommodation of one mobile home and its accessory equipment, for exclusive use of the occupants of the mobile home.

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

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

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

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

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

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

(Ord. 5316, 05-25-04)

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

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

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

parking limits imposed on such streets, alleys, or highways.

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

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

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

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

4-08-04. Mobile Home Park License.

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

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

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

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

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

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

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

Applications for renewal of licenses must be made on forms issued by the building official and must be accompanied by the required fee and contain any change in the information submitted since the original license was issued or the latest renewal granted.

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

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

(Ord. 5316, 05-25-04)

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

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

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

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

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

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

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

7. The connection of water, fuel, sanitary sewer and electrical service must be under the supervision of the mobile home community owner or operator or a qualified

representative of the utility company supplying fuel or electrical service. A mobile home may not be occupied before an inspection is conducted by the building official of the following items to insure ordinance compliance:

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

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

9. Fuel supply.

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

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

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

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

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

13. Accessory buildings.

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

b. Individual storm shelters are permitted provided they meet the requirements of the city building code and the consent of the community manager has been obtained. Such shelters may not be included in lot coverage requirements of the zoning ordinances or be counted as an accessory building to the mobile home lot.

c. A detached garage may be allowed providing the following requirements are met:

1) Garages must be located at least seven and one-half feet from the dividing line between mobile home lots. They shall be at least 15 feet from the mobile home or any attachment thereto on a neighboring lot.

2) A minimum of six feet must be maintained between a garage and a mobile home or attachment thereto on the same lot.

3) A 20-foot setback must be maintained between the front of the garage and any public or private street.

4) The above setback and sideyard clearances apply unless a greater clearance is required by the zoning ordinances if the mobile home, attachment, or accessory buildings is located adjacent to a public right-of-way. These clearances must be to the walls of the structure involved; a roof overhang may extend a maximum of two feet into the setback or sideyard.

d. Accessory buildings on a mobile home lot are limited to one attached entryway not to exceed 120 square feet, one detached storage or utility building not to exceed 120 square feet, and one detached garage as specified in this section.

e. Carports may not project beyond the front or rear edge of the mobile home. Carports must be set back a minimum of 20 feet from the walkway, a minimum of seven and one-half feet from the lot line, and must be located at least 15 feet from any other mobile home and its attachments.

f. Accessory structures must be attached to proper foundations. Exceptions to foundations may be granted by the building official provided the methods used shall render them rodentproof and resistant to wind damage.

g. Accessory buildings may not be constructed without building permits.

h. Accessory storage or utility structures shall comply with setback and sideyard requirements of the zoning ordinances.

14. Swimming and bathing facilities shall meet the requirements of Title 4 of this code.

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

4-08-08. Certification Label. Each mobile home shall be affixed with a permanent label certifying that the mobile home complies with the requirements of the U.S. Department of Housing and Urban Development and is constructed in conformance with the federal mobile home construction and safety standards.

(Ord. 5316, 05-25-04)

CHAPTER 4-09 RECREATIONAL VEHICLE PARKS

4-09-01. License Required. A person may not maintain or operate a recreational vehicle park without first securing a license to do so.

(Ord. 5316, 05-25-04)

4-09-02. Application; Fees.

1. Application for a license for a recreational vehicle park must be filed with the building official. The application shall contain the following:

a. Name and address of the applicant and required fee;

b. The location and legal description of the recreational vehicle park showing all of the recreational vehicle stands, structures and other service facilities.

c. The annual fee for recreational vehicle parks is \$3.00 per space.

2. Applications for renewal of licenses must be made on forms provided and shall be accompanied by the required fee and shall contain any change in information submitted since the original license was issued or the latest renewal granted.

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

4-09-03. Duration of License. Every license issued under the provisions of this chapter is valid for a period from July 1st of each year through June 30th of the following year. Such license must be posted in the office or on the premises of the park at all times. Any license issued after July 1st of any year is valid only until the following June 30th.

(Ord. 5316, 05-25-04)

4-09-04. Park Standards. Each recreational vehicle park shall comply with the following:

1. It is the duty of the licensee to keep a register of all occupants of the park. The register shall contain the following information:

a. Name and address of each occupant;

b. License number and state issuing the license and owner of each recreational vehicle and automobile if such recreational vehicle is towed;

c. The dates of arrival and departure of each recreational vehicle.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of information contained in the

register. The register records must be maintained for a period of three years following the date of registration.

2. The owner or person in charge of any dog, cat or other pet may not permit it to run at large or commit any nuisance within the limits of the recreational vehicle park.

3. Each recreational vehicle park licensed under the provisions of this chapter shall comply with all applicable provisions of the city zoning ordinances.

4. A park may not provide spaces for less than twenty recreational vehicles.

5. The minimum unit area for each recreational vehicle site is at least 1,500 square feet in area. Each space must be marked or clearly defined on the ground.

Each recreational vehicle stand must be designed and constructed to allow for safe and efficient placement and removal of recreational vehicles. The stand must be constructed to minimize the development of ruts or low spots by the vehicle tires. The site must be graded to provide drainage but shall not exceed three inches per ten feet across the width of the stand.

6. The minimum widths of interior roads and driveways serving individual parking sites is twenty feet. All roads and driveways must be surfaced with an all-weather surface. All roads must be well-drained and shall have a minimum internal radius of sixty feet. Turnarounds must be provided for all dead-end roads with a minimum internal radius of sixty feet.

7. Water supply and sanitary sewer provisions must meet requirements of the state plumbing code.

8. Each lot intended for use by recreational vehicles must be provided with an electrical system as required by the city electrical code.

9. An adequate supply of covered garbage containers must be provided in each park and located not more than 200 feet from any space. If cans are provided, they must be maintained in a sanitary condition and stored on racks as required.

10. The city building code applies to all buildings constructed within a park.

11. Swimming and bathing facilities must meet the requirements of Title 4 of this code.

12. Designated outdoor fire locations, if provided, must be in safe and convenient areas where they will not constitute fire hazards to vegetation, undergrowth, trees and recreational vehicles.

13. Primitive camping cabins placed upon and anchored to concrete slabs may occupy five percent of the spaces provided. Such cabins shall not exceed 220 square feet in area and shall provide for no facilities other than sleeping.

(Ord. 4975, 05-25-99; Ord. 5316, 05-25-04)

CHAPTER 4-10
MECHANICAL CONTRACTOR LICENSING

4-10-01. License Required. Any person that undertakes or performs heating, ventilation or air conditioning (HVAC) work, any mechanical installation, alteration or repair with or for another is required to obtain a mechanical permit from the City of Bismarck. The term "mechanical contractor" does not include subcontractors working for and under the supervision of a mechanical contractor licensed by the City of Bismarck or a homeowner performing work on the homeowner's own residence or a building or structure accessory thereto which is intended for the owner's own use.

1. No person shall engage in the heating, ventilation or air conditioning (HVAC) trade (except as provided in section 4-10-02 (Installers) unless:

a. That person holds a current master HVAC installers license;

b. That person holds a current journeyman HVAC installer license and work is done under the direct supervision of a holder of a current master HVAC installer license; or

c. Work is done as an apprentice under the direct supervision and control of the holder of a current master HVAC installer license or the holder of a current journeyman HVAC installer license.

2. An application for a license under this section shall be made to the Bismarck Building Inspection Division and shall be accompanied by the payment of the appropriate fee provided for in Section 4-10-10. If the Building Official determines that the applicant meets the qualification requirements of Section 4-10-02 for the

license requested, the applicant shall be allowed to take the license examination. The license examination shall be a test of theoretical and practical knowledge relating to the HVAC trade which has been approved as to form and content by the Building Official. The examination shall be revised from time to time as deemed necessary to preserve its fairness and relevance. The Building Official shall also generally supervise, administer and grade the examination and shall establish the passing score which an applicant must meet or exceed in order to be qualified to hold a license.

a. If an applicant fails to achieve a passing score on the licensing examination, the applicant may retest when the examination is next offered. An applicant who fails the examination for the second time may not retake the examination for six (6) months after the last failed examination.

b. If the applicant passes the licensing examination and pays the appropriate fee required under Section 4-10-10, the Building Official shall issue a license in the form of a license card and certificate of completion.

c. A license, once issued, may be renewed annually without further application and without further examination upon the timely payment of the appropriate renewal fee unless revoked or suspended as provided in this Chapter.

d. If a person holding a license under this Section allows it to lapse or if it is suspended, such person must reapply for a license, be re-examined, and pay the appropriate application fee in the same manner as a first time application.

e. At the Building Official's discretion, a temporary work permit may be issued to a person who has applied for a license and paid the appropriate application fee. A temporary work permit shall expire upon the date of the license examination.

f. Certain forms of work within the HVAC trade may be performed under the following conditions:

1. The Building Official has specified the type of work in question as being exempt from the general licensing requirements under this section;

2. The work is performed by an employee or proprietor of an enterprise which sells or services HUD certified manufactured homes, or homes;

3. The person performing the work has passed an examination approved by the Building Official; or such person has performed such type of work for at least three (3) years and has been approved by the Building Official for the exception established by this section; and

4. The person has paid an administrative fee per Section 4-10-10 for the initial one-year exemption, and for each year of exemption thereafter.

4-10-02. License Qualifications.

1. In order to be qualified to take the examination for a master HVAC installer license, the applicant:

a. Must have, at the time of taking the examination, at least two (2) years (3,400 work hours) of experience as a licensed journeyman HVAC installer licensed by the City or some other governmental jurisdiction; or

b. Must be licensed as a master HVAC installer by a reciprocal jurisdiction or licensing agency.

2. In order to take the examination for a journeyman's HVAC installer license, the applicant:

a. Must have, at the time of taking the examination, at least four (4) years (7,600 work hours) of experience as an apprentice HVAC installer; or

b. Must be licensed as a journeyman HVAC installer by a reciprocal jurisdiction or licensing agency

3. For purposes of calculating hours of work service as an apprentice HVAC installer, an applicant who has graduated from an accredited trade school, and who has taken at least one thousand twenty (1,020) hours of instruction in HVAC or pipe fitting at such school, is entitled to receive work hour credit for course hours of instruction by multiplying the course hours by a factor, which factor is dependent upon the grade achieved by the

applicant for the course. If the grade was a "D" the factor is 1; if a "C" the factor is 1.5; if a "B" the factor is 1.75, and if an "A" the factor is 2.

4. For the purpose of this section, an apprentice HVAC installer is a person who is working as a HVAC installer under the supervision of a licensed master HVAC installer, or a licensed journeyman HVAC installer. For the purpose of this section, it is immaterial whether a licensed HVAC installer is licensed by the City or by another reciprocal jurisdiction.

4-10-03. Single Business Limitation. A master HVAC installer may not exercise privileges as a licensed master for more than one (1) shop or business at a time.

4-10-04. Continuing Education. Each license holder is required to have a total of four (4) hours of continuing education per year. The time and location of such training shall be specified by the Building Official.

4-10-05. Expiration and Renewal. All HVAC installer's licenses shall expire on December 31st of each year. Licenses may be renewed from year to year upon receipt of the required renewal fee per Section 4-10-10. License fees shall be subject to a late charge if paid after January 31st.

4-10-06. Suspension or Revocation of License.

1. The HVAC installer's license may be revoked or suspended by the Building Official should the licensee be found to have violated the provisions of this Chapter or of a mechanical code as adopted by the City. Suspension shall be for a period of one year in the first instance, two years in the second instance, and in the third instance a license shall be permanently revoked.

2. At any time an HVAC installer's license is suspended or revoked by the Building Official, notice of the proposed action and notification of a right to a hearing before the Board of City Commissioners shall be served on the licensee. Any person served with notice shall have the right to a hearing before the board of city commissioners upon written request filed with the City Administration within five days of receipt of a notice of suspension or revocation. Upon receiving the notice of appeal the Board shall set a date for a hearing within twenty days of receipt of the notice of appeal. Notice of the time and place for the hearing must be served upon the licensee by certified mail or in person not less than five days prior to the hearing..

4-10-07 Time of Examination. Regular examinations of applicants shall be conducted in June and December of each year, at such time and place that the Building Official may designate and may also be held at other times in the discretion of the Building Official.

4-10-08 Passing Grade. A passing grade shall be determined by the Building Official prior to examination. Any applicant who fails to receive a passing grade shall be eligible to take a subsequent examination subject to Section 4-10-01(2)(a).

4-10-09 Apprentice to Journeyman Ratio. The apprentice to journeyman ratio shall be five (5) to one (1) with a minimum of one (1) journeyman HVAC installer at each project under the direct supervision of a master HVAC installer.

4-10-10 Fees. The fees imposed under this Section are as follows:

1. Class A master HVAC installer certification:
Application fee of thirty five (\$35.00) dollars
Annual fee of one hundred twenty five (\$125.00) dollars
2. Class B Journeyman HVAC installer certification
Application fee of thirty five (\$35.00) dollars
Annual fee of seventy five (\$75.00) dollars
3. Class C Apprentice HVAC installer certification
Application fee of fifteen (\$15.00) dollars
Annual fee of thirty five (\$35.00) dollars
4. Administrative fee (\$125.00) dollars
Year of exemption fee (\$125.00) dollars
Late fee shall be %20 of the application or annual fee.