

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

AN ORDINANCE AMENDING ARTICLE 21-01 OF CHAPTER 21
OF THE FARGO MUNICIPAL CODE RELATING TO
THE INTERNATIONAL BUILDING CODE

1
2
3 WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in
accordance with Chapter 40-05.1 of the North Dakota Century Code; and

4
5 WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that
the City shall have the right to implement home rule powers by ordinance; and

6
7 WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that
said home rule charter and any ordinances made pursuant thereto shall supersede state laws
in conflict therewith and shall be liberally construed for such purpose; and

8
9 WHEREAS, the Board of City Commissioners deems it necessary and
appropriate to implement such authority by the adoption of this ordinance;

10 NOW, THEREFORE,

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

12 Section 1. Amendment.

13
14 Article 21-01 of Chapter 21 of the Fargo Municipal Code is hereby amended to
read as follows:

15 ARTICLE 21-01

16 INTERNATIONAL BUILDING CODE -- ADOPTION -- MODIFICATIONS

17 Section

18 21-0101

International Building Code adopted.

19 21-0102

Modification of International Building Code.

20 21-0101. International Building Code adopted.--The erection, construction,
21 enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy,
22 equipment, use, height, area, and maintenance of buildings or structures in the city of
Fargo, North Dakota, shall meet with the provisions of the rules and regulations of the

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

1 2003 2006 edition of the International Building Code of the International Conference of
2 Building Officials as the same are now established in said code, a copy of which is on file
3 in the office of the building inspector for the city of Fargo, with the exception of the
4 sections hereinafter set forth affecting local conditions in the city of Fargo, which
5 sections shall be substituted for and in lieu of like sections or paragraphs in said
6 International Building Code; and the board of city commissioners of said city of Fargo,
7 by this section hereby approves and adopts such rules and regulations, as so modified, for
8 use and application in the city of Fargo, North Dakota.

9 21-0102. Modification of International Building Code.--The International
10 Building Code as adopted in §1-0101 is hereby changed and amended as follows:

11 Section 101.1 is hereby amended to read as follows:

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

15 Section 101.4.1 is hereby amended to read as follows:

16 Section 101.4.1 – Electrical. ~~The provisions of the ICC Electrical Code~~
17 ~~shall apply to the installation of electrical systems, including alteration,~~
18 ~~repairs, replacement, equipment, appliances, fixtures, fittings and~~
19 ~~appurtenances thereto. Wherever the term “ICC Electrical Code” is used~~
20 ~~in the International Building Code, it shall mean the National Electric~~
21 ~~Code together with the North Dakota State Wiring Standards.~~

22 Section 101.4.4 is hereby amended to read as follows:

23 Section 101.4.4 – Plumbing. ~~The provisions of the “International~~
~~Plumbing Code” shall apply to the installation, alterations, repair and~~
~~replacement of plumbing systems, including equipment, appliances,~~
~~fixtures, fittings and appurtenances, and where connected to a water or~~
~~sewage system and all aspects of a medical gas system. The provisions of~~
~~the “International Private Sewage Disposal Code” shall apply to private~~
~~sewage disposal systems. Wherever the term “International Plumbing~~
~~Code” and/or the “International Private Sewage Disposal Code” is used in~~
~~the International Building Code, it shall mean the North Dakota State~~
~~Plumbing Code.~~

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

Section 101.4.7 is hereby amended to read as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

~~Section 101.4.7 Energy. The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency. Flood Plain. Wherever reference is made to flood plain considerations, construction requirements or Section 1612, it shall mean the Fargo Flood Plain Management ordinance together with the Flood Proofing Code of the city of Fargo, North Dakota.~~

Section 104.8 is hereby amended to include a new final paragraph as follows:

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

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

Section 105.2 is hereby amended to read as follows:

1 Section 105.2 -- Work exempt from permit.....

2 Building:

3 * * *

4 2. Fences not over 6 8.5 feet high.

5 * * *

6 6. Sidewalks and driveways ~~not more than 30 inches(762 mm) above adjacent~~
7 ~~grade, and not over any basement or story below and are not part of an accessible~~
8 ~~route.~~

9 * * *

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

12 12. Window awnings ~~supported by an exterior wall that do not project more than~~
13 ~~54 inches (1372 mm) from the exterior wall and do not require additional support~~
14 ~~of group R-3 and U occupancies.~~

15 14. Reroofing.

16 Section 106.3.1 is hereby amended to read as follows:

17 106.3.1. Approval of construction documents. When the building official
18 . . . One set of construction documents so reviewed shall be retained by the
19 Building Official. ~~The other set shall be returned to the applicant, shall be~~
20 ~~kept at the site of work and shall be open to inspection by the building~~
21 ~~official or a duly authorized representative.~~

22 Section 108.2 is hereby amended to read as follows:

23 Section 108.2 -- Schedule of permit fees. On buildings, structures,
electrical, gas, mechanical, and plumbing systems or alterations requiring
a permit, a fee for each permit and plan review shall be paid as required, in
accordance with the schedule as established by the ~~applicable governing~~
~~authority~~ Board of City Commissioners. The plan review fees specified in
this subsection are separate from, and in addition to, permit fees. When
submittal documents are incomplete or changed so as to require additional
plan review or when the project involves deferred submittal items as
defined in Section 106.3.4.2, an additional plan review fee shall be

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

charged in an amount not to exceed 50% of the building permit fee established in Section 108.2.

1
2 Section 109.3.3 is hereby deleted in its entirety.

3 Section 109.3.7 is hereby deleted in its entirety.

4 Section 305.2 is hereby amended to read as follows:

5 305.2. Day care. The use of a building or structure, or portion thereof, for
6 educational, supervision or personal care services for more than ~~five~~
7 twelve children older than 2 ½ years of age, shall be classified as a Group
8 E occupancy.

9 Section 308.3.1 is hereby amended to read as follows:

10 308.3.1. Child care facility. A child care facility that provides care on a
11 24-hour basis to more than ~~five~~ twelve children 2 ½ years of age or less
12 shall be classified as Group I-2.

13 Section 308.5 is hereby amended to read as follows:

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

17 Section 308.5.2 is hereby amended to read as follows:

18 308.5.2. Child care facility. A facility that provides supervision and
19 personal care on less than a 24-hour basis for more than ~~five~~ twelve
20 children 2 ½ years of age or less shall be classified as Group I-4.

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

Section 310.1 is hereby amended to read as follows:

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

3 Buildings that do not contain more than two dwelling units.

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

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

8 Congregate living facilities with 16 or fewer persons.

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

11 Section 406.1.4 Paragraph 1 is hereby amended to read as follows:

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

15 Section 705.6 is hereby amended to read as follows:

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

20 The Exception to Section 711.3 is hereby amended to add a final sentence to read
21 as follows:

22 . . . sprinkler system in accordance with Section 903.3.1.1. The
23 roof/ceiling assembly of a Group R-2 apartment house otherwise required
to be one hour fire-rated construction may be protected at it's ceiling with
a single layer of 5/8" fire code sheetrock provided the building is protected
with an automatic sprinkler system complying with Section 903.3.1.1. For
the purpose of use of this exception only, use of Exception 1 and 2 of
Section 2-6 of NFPA 13-R will not be allowed.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

Section 801.1.3 is hereby amended to read as follows:

1 Section 801.1.3. Applicability. For buildings in flood hazard areas as
2 ~~established in Section 1612.3,~~ interior finishes, trim and decorative
3 materials below the design flood elevation shall be flood-damage-resistant
4 materials in accordance with the requirements of the Fargo Flood Proofing
5 Code.

6 Section 903.3.1.1 is hereby amended to add a new second paragraph to
7 read as follows:

8 903.3.1.1 NFPA 13 sprinkler systems.

9 Sprinkler heads in unoccupied mall tenant spaces may be installed at
10 ceiling height if allowed by the code official. Permission will be granted
11 on an individual basis and requires written documentation from the code
12 official. Combustible storage shall not be allowed in these unoccupied
13 tenant spaces if sprinkler heads are installed at ceiling height. Signage
14 shall be provide outlining the storage restrictions.

15 Section 903.3.1.2.1 is hereby deleted in its entirety.

16 Section 907.2.10.1.1 is hereby amended to add new paragraph 4 to read as
17 follows:

18 4. In dwelling units where the ceiling height of a room open to the
19 hallway serving the sleeping rooms exceeds that of the hallway by
20 24 inches (610 mm) or more, smoke detectors shall be installed in
21 the hallway and in the adjacent room.

22 Section 907.2.10.1.2 is hereby amended to add new paragraph 4 to read as
23 follows:

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

Section 1009.1 is hereby amended to add a new Exception 5 to read as follows:

- 1
2 5. Stairways used only to attend equipment or private
3 stairways serving an occupant load of 10 or fewer persons
4 and which are not accessible to the public.

Section 1009.3, Exception 4, is hereby amended to read as follows and Exception 6 is added:

- 6 4. In occupancies in Group R-3, as applicable in Section 101.2,
7 within dwelling units in occupancies in Group R-2, as
8 applicable in Section 101.2, and in occupancies in Group U,
9 which are accessory to an occupancy in Group R-3, as
10 applicable in Section 101.2, the maximum riser height shall be
11 ~~7.75 inches (197 mm)~~ 8 inches and the minimum tread depth
12 shall be ~~10 inches (254 mm)~~ 9 inches, the minimum winder
13 tread depth at the walk line shall be 10 inches (~~254 mm~~), and
14 the minimum winder tread depth shall be 6 inches (~~152 mm~~).
15 A nosing not less than 0.75 inch (~~19.1 mm~~) but not more than
16 1.25 inches (~~32 mm~~) shall be provided on stairways with solid
17 risers where the tread depth is less than 11 inches (~~279 mm~~).
18 5. * * *
19 6. Stairways used to attend equipment or private stairways
20 serving an occupant load of 10 or fewer persons and which are
21 not accessible to the public are permitted to have a handrail on
22 one side only.

Section 1009.10 is hereby amended to amend Exception 5 as shown and add Exceptions 6 and 7 as follows:

1009.10 Handrails. Stairways shall have handrails on each side and shall comply with Section 1012. Where glass is used to provide the handrail, the handrail shall also comply with Section 2407.

Exceptions:

1. Aisle stairs . . . handrails.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

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

10 Section 1026.1 Exception 1 is hereby amended as follows:

- 11 1. In other than Group R-3 occupancies, buildings equipped throughout with an
12 approved automatic sprinkler system in accordance with Section 903.3.1.1 or
13 903.3.1.2.

14 Section 1104.4 Exception 1 is hereby amended as follows:

15 1104.4 Multilevel buildings and facilities. At least one accessible route
16 shall connect each accessible level, including mezzanines, in multilevel
17 buildings and facilities.

18 Exceptions:

- 19 1. An accessible route is ~~shall not be required in facilities that are less~~
20 ~~than three stories to stories and mezzanines above and below accessible~~
21 ~~levels~~ or that have an aggregate area of not more than 3,000 square feet
22 (278.7 m²) per story. This exception shall not apply to:

23 1.1. Multiple tenant facilities

Section 1107.6.2.1 is hereby amended as follows:

1107.6.2.1 Apartment houses, monasteries and convents. ~~Type A units and Type~~
B units shall be provided in apartment houses, monasteries and convents in accordance
with Sections 1107.6.2.1.1 and 1107.6.2.1.2.

Section 1207 is hereby deleted in its entirety.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

Chapter 13 is hereby deleted in its entirety.

Section 1403.5 is hereby deleted in its entirety.

Section 1403.6 is hereby deleted in its entirety.

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

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

Section 1507.2.6 is hereby amended to read as follows:

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

Section 1510 is hereby deleted and relocated as Appendix L.

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

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

Section 1610 exception is hereby amended to read as follows:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

1 Exception: Basement walls extending not more than 8 9 feet (~~2438 mm~~)
2 below grade and supporting flexible floor systems shall be permitted to be
3 designed for active pressure.

4 Section 1612 is hereby deleted in its entirety:

5 Section 1704.1 is hereby amended to add a new paragraph 4 to read as
6 follows:

7 4. The frequency and amount of special inspections shall be
8 as determined by the design professional of record. The
9 continuous and periodic inspections referenced in Tables
10 1704.3, 1704.4, 1704.5.1, and 1704.5.3 shall be considered
11 as guidelines for that determination.

12 Section 1803.3 is hereby deleted and the following section enacted:

13 Section 1803.3 Surface drainage. Surface drainage shall be diverted to a
14 storm sewer conveyance or other approved point of collection. Lots shall
15 be graded to drain surface water away from foundation walls.

16 Section 1803.4 is hereby deleted in its entirety and subsequent sections
17 renumbered accordingly.

18 Section 1805.2.1 is hereby amended to add a new, final paragraph to the
19 exception as follows:

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

23 Section 2901 shall be amended to reference the North Dakota State
Plumbing Code instead of the International Plumbing Code.

Table 2902.1 is hereby amended as shown in the replacement Table
2902.1 attached hereto.

**[P] TABLE 2902.1
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a
(See Sections 2902.2 and 2902.3)**

No.	Classification	Occupancy	Description	Water Closets (<i>Finals see Section 419.2 of the International Plumbing Code</i>)		Lavatories		Bathubs or Showers	Drinking Fountains (<i>See Section 410.1 of the International Plumbing Code</i>)	Other
				Male	Female	Male	Female			
1	Assembly (see Sections 2902.2, 2902.4, and 2902.4.1)	A-1 ^d	Theaters and other buildings for the performing arts and motion pictures	1 per 125	1 per 65	1 per 200		--	1 per 500	1 service sink
				1 per 40	1 per 40	1 per 75		--	1 per 500	1 service sink
		A-2 ^d	Restaurants, banquet halls and food courts	1 per 75	1 per 60	1 per 200		--	1 per 500	1 service sink
				1 per 125	1 per 65	1 per 200		--	1 per 500	1 service sink
		A-3 ^d	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per 500	1 per 500	1 per 750		--	1 per 1,000	1 service sink
1 per 150	1 per 75			1 per 200		--	1 per 1,000	1 service sink		
A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500	1 per 200	1 per 150	--	1 per 1,000	1 service sink		
A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500	1 per 200	1 per 150	--	1 per 1,000	1 service sink		

No.	Classification	Occupancy	Description	Water Closets (<i>Urinals see Section 419.2 of the International Plumbing Code</i>)		Lavatories		Bathubs or Showers	Drinking Fountains (<i>See Section 410.1 of the International Plumbing Code</i>)	Other							
				Male	Female	Male	Female										
2	Business (see Sections 2902.2, 2902.4 and 2902.4.1)	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 40 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80		--	1 per 100	1 service sink							
3	Educational	E	Educational facilities	1 per 50		1 per 50		--	1 per 100	1 service sink							
4	Factory and industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		See Section 411 of the International Plumbing Code	1 per 400	1 service sink							
											I-1	Residential Care	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
											I-2	Hospitals, ambulatory nursing home patients ^a	1 per per room ^c	1 per per room ^c	1 per 15	1 per 100	1 service sink
												Employees, other than residential care ^b	1 per 25	1 per 35	--	1 per 100	--
5	Institutional		Visitors, other than residential care	1 per 75		1 per 100		--	1 per 500	--							
											I-3	Prisons ^b	1 per cell	1 per cell	1 per 15	1 per 100	1 service sink
												Reformatories, detention centers and correctional centers ^b	1 per 15	1 per 15	1 per 15	1 per 100	1 service sink
											I-4	Adult day care and child care	1 per 15	1 per 15	--	1 per 100	1 service sink
6	Mercantile (see Section 2902.2, 2902.4, 2902.4.1 and 2902.4.2)	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500-600		1 per 750-600		--	1 per 1,000	1 service sink							
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit		1 per sleeping unit		1 per sleeping unit	--	1 service sink							

No.	Classification	Occupancy	Description	Water Closets (Urinals see Section 419.2 of the <i>International Plumbing Code</i>)		Lavatories		Bathrooms or Showers	Drinking Fountains (See Section 410.1 of the <i>International Plumbing Code</i>)	Other
				Male	Female	Male	Female			
	Residential	R-2	Dormitories, fraternities, sororities and boarding house (not transient)	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		R-2	Apartment house	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	--	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 2 dwelling units
		R-3	One- and two-family dwellings	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	--	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
		R-4	Residential care/assisted living facilities	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
8	Storage (see Sections 2902.2, 2902.4 and 2902.4.1)	S-1 S-2	Structures for the storage of goods, warehouses, storehouses and freight depots, low and moderate hazard	1 per 100		1 per 100		See Section 411 of the <i>International Plumbing Code</i>	1 per 1,000	1 service sink

- a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this code.
- b. Toilet facilities for employees shall be separate from facilities for inmates or patients.

- c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient rooms shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4595

Section 2902.2 Exception 2 is hereby amended to read as follows:

1 2. Separate facilities shall not be required in structures or tenant spaces
2 with a total occupant load, including both employees and customers, of ~~15~~ 10 or
3 less.

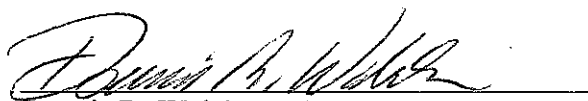
4 Section 3109 is hereby deleted and moved to Appendix M.

5 Section 2. Penalty.

6 Every person, firm or corporation violating an ordinance which is punishable as
7 an infraction shall be punished by a fine not to exceed \$500.00; the court to have power
8 to suspend said sentence and to revoke the suspension thereof.

9 Section 3. Effective Date.

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

12 
13 Dennis R. Walaker, Mayor

14 (SEAL)

15 Attest:

16 
17 Steven Sprague, City Auditor

18 First Reading: 05-21-2007
19 Second Reading: 06-04-2007
20 Final Passage: 06-04-2007
21 Publication: 06-18-2007