TITLE VII.

HEATING, AIR-CONDITIONING AND COMBUSTION UNITS

CHAPTERS:

7-01. International Mechanical Code.
7-02. International Fuel Gas Code.
7-03. RESERVED FOR FUTURE USE.
7-04. RESERVED FOR FUTURE USE.
7-05. RESERVED FOR FUTURE USE.
7-06. Board of Examiners.
7-07. Fees.
7-08. Penalty.

CHAPTER 7-01

INTERNATIONAL MECHANICAL CODE

Source: Ord. 740, Sec. 1 (2005); Ord. 883, Sec. 1 (2011)

SECTIONS:

7-0101. Definitions.
7-0102. Scope of Title.
7-0103. Minimum Requirements.
7-0104. Emergency Repairs.
7-0105. Certificate of Authority Required.
7-0106. Standards Adopted.
7-0107. Modifications of International Mechanical Code.
7-0108. Appeals.

7-0101. DEFINITIONS. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

1. "Person" includes any individual, firm, partnership, joint adventure, association, corporation, estate, receiver, or any other group or combination acting as a unit, and the plural as well as the singular number; their agents, employees and representatives.

2. "Building Inspector" means the Building Inspector of the City of West Fargo and his authorized assistants.

3. "Heating and Air-Conditioning Plant" includes any heating or air-conditioning plant or system and the component parts thereof (except combustion units as defined in Paragraph 4 of this section) including but not limited to steam boilers, hot water boilers and warm air furnaces.

4. "Combustion Unit" includes any stoker, oil burner, oil burning equipment, gas burner, gas burning equipment, conversion burner, or incinerator and their component parts.

5. "Cooling System" is all of that equipment intended or installed for the purpose of cooling air by mechanical means and discharging such air through ducts into any room or space. This definition shall not include any evaporative cooler.

7-0102. SCOPE OF TITLE. This title shall govern the construction, installation, alteration, maintenance and repair of all heating and air-conditioning plants; chimney flues, combustion units, gas burners, gas burner equipment and appliances; and gasoline stoves installed in or for all buildings within the City

of West Fargo, North Dakota, as well as for any area within the extraterritorial zoning jurisdiction of the City, except that the owner-occupant of any single family dwelling may, with the assistance of members of his family and household, personally perform any work governed by this title, but before doing the same shall obtain a permit therefor from the Building Inspector and pass inspection as hereinafter provided.

7-0103. MINIMUM REQUIREMENTS. The provisions of this title shall be held to be minimum requirements adopted for the protection of the health, welfare and safety of the community.

7-0104. EMERGENCY REPAIRS. In case of emergency, repair work may be proceeded without first obtaining the permit hereinafter required. Application for such permit shall be made within 24 hours after repairs are commenced, Sundays and holidays excepted. This Section shall not be construed to limit the right of Xcel Energy and its authorized employees to render necessary services.

7-0105. CERTIFICATE OF AUTHORITY REQUIRED. Except as is otherwise provided in Section 7-0102 and Section 7-0104 of this title, no person shall engage in or carry on the construction, installation, alteration, maintenance and repair of heating and air-conditioning plants and combustion units and gas burners, gas burner equipment and appliances within the City of West Fargo, or advertise, hold-out or otherwise represent himself as being qualified to perform such work without first securing and continuing in force a "Certificate of Authority" as hereinafter prescribed in this title.

7-0106. STANDARDS ADOPTED. The following standards are hereby adopted for all heating, air conditioning and other gas, oil, or coal consuming appliances within the City limits of West Fargo, as well as for any area within the extraterritorial zoning jurisdiction of the City.

1. All heating, air conditioning, or other gas, oil, or coal consuming appliances for either domestic or commercial use installed in the City of West Fargo shall bear a seal of approval from the American Gas Association, American Standards Association, Underwriters Laboratories, or other nationally recognized testing laboratory.

2. The provisions of the International Mechanical Code, sponsored by the International Code Council, 2009 edition, is hereby adopted as the mechanical code. Any amendments to the 2009 edition of the International Mechanical Code may be adopted by the City by resolution.

7-0107. MODIFICATIONS OF INTERNATIONAL MECHANICAL CODE. The International Mechanical Code as adopted in Section 7-0106(2) is hereby changed and amended to read as follows:

SECTION 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Mechanical Code* of ~~[NAME OF JURISDICTION]~~ the City of West Fargo, hereinafter referred to as "this code."

SECTION 103.2 is hereby deleted in its entirety.

SECTION 103.3 is hereby deleted in its entirety.

SECTION 103.4 is hereby renumbered and amended to read as follows:

~~**103.4**~~ **103.2 Liability.** The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge if the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions if this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuant 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 controling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

SECTION 106.4.8 is hereby deleted in its entirety.

SECTION 106.5.2 is hereby amended as follows:

106.5.2 Fee schedule. The fees for mechanical work shall be as indicated in the ~~following~~ schedule as established by the West Fargo Board of City Commissioners.

SECTION 106.5.3 is hereby amended as follows:

106.5.3 Fee refunds. The code official ~~shall~~ is authorized to order the refunding of fees as follows:

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

2. Not more than eighty [80] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Not more than eighty [80] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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

SECTION 109.2 is hereby deleted in its entirety.

SECTION 201.3 is hereby amended to read as follows:

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

SECTION 305.4 is hereby amended read as follows:

305.4 Interval of support. Piping shall be supported at distances not exceeding the spacing specified in Table 305.4, or in accordance with MSS SP-69. In addition to the requirements of Table 305.4, piping and tubing shall be supported within 2 feet (610 mm) of every bend or angle.

SECTION 307.2.2 is hereby amended to read as follows:

307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast

iron, galvanized steel, copper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC or PVC pipe or tubing. All components shall be selected for the pressure and temperature rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of ~~Chapter 7 of the *International*~~ the *North Dakota State Plumbing Code* relative to the material type. Condensate waste and drain line shall be not less than 3/4-inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2.

SECTION 508.2 is hereby amended to read as follows:

Section 508.2. Compensating hoods. Manufacturers of compensating hoods shall provide a label indicating minimum exhaust flow and/or maximum makeup airflow that provides capture and containment of the exhaust effluent. Short circuit compensating hoods are prohibited.

SECTION 508.2.1 is hereby added to read as follows:

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

SECTION 701.2 is hereby added to read as follows:

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

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

1104.2 Machinery room. ...

Exceptions: …

3. If an existing refrigerating system is replaced or if an existing refrigeration plant is increased by not more than 50% of its original capacity, but not more than 100 tons per system using a nonflammable class A1 or B1 refrigerant and the refrigeration machinery room was not provided in the original installation prior to 1994, a refrigeration machinery room shall

not be required. If the existing refrigeration is not located in a general machinery room separated from occupied spaces, a refrigeration machinery room shall be provided. The space containing the refrigeration machinery shall meet the requirements of Section 1104.3.4, protection from refrigerant decomposition, and Section 1105.3, requiring refrigerant detection. If the requirements of 1104.3.4 and 1105.3 cannot be met, a refrigeration machinery room shall be provided.

7-0108. APPEALS. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. The West Fargo City Commission shall be the Board of Appeals. An appeal in writing to the Code Official must be made within 20 days of the decision of the Code Official. The West Fargo City Commission shall hear the appeal within 30 days of the Code Official receiving written notice of the appeal. The Commission may only reverse or modify a decision of the Code Official by a vote of at least three members of the Commission. If not all members of the Commission are present at the hearing, the person appealing the decision may request a postponement, which may extend the 30-day period to hold such a hearing. An application for an appeal shall be based on a claim that the true intent of the Code has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equally good or better form of construction is proposed. The commission shall have no authority to waive requirements of the Code.

CHAPTER 7-02

INTERNATIONAL FUEL GAS CODE

Source: Ord. 741, Sec. 1 (2005); Ord. 884, Sec. 1 (2011)

SECTIONS:

7-0201. Adoption of International Fuel Gas Code.
7-0202. Amendment to International Fuel Gas Code.
7-0203. Appeals.

7-0201. ADOPTION OF INTERNATIONAL FUEL GAS CODE. There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing standards, relative to housing in the City of West Fargo, that certain code known as the International Fuel Gas Code, recommended and compiled by the International Code Council, being particularly the 2009 edition thereof, as the same are now established in said code, a copy of which is on file in the office of the Building Administrator for the City of West Fargo, with the exception of the sections hereinafter set forth affecting local conditions of the City of West Fargo, which sections shall be substituted for and in lieu of like sections or paragraphs in said International Fuel Gas Code; the Board of City Commissioners of said City of West Fargo, by this section hereby approves and adopts such rules and regulations, so modified, for the use and application within the city limits of West Fargo, North Dakota, as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the 2009 edition of the Code may be adopted by the City by resolution.

7-0202. AMENDMENT TO INTERNATIONAL FUEL GAS CODE. The International Fuel Gas Code, as adopted in Section 7-0201 is hereby changed and amended as follows:

SECTION 101.1 is hereby amended to read as follows:

> **101.1 Title.** These regulations shall be known as the Fuel Gas Code of ~~[NAME OF JURISDICTION]~~ the City of West Fargo, hereinafter referred to as "this code."

SECTION 103.2 is hereby deleted in its entirety.

SECTION 103.3 is hereby deleted in its entirety.

SECTION 103.4 is hereby renumbered and amended to read as follows:

> ~~**103.4**~~ **103.2 Liability.** The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the

jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

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

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

SECTION 106.5.8 is hereby deleted in its entirety.

SECTION 106.6.2 is hereby amended as follows:

106.6.2 Fee schedule. The fees for mechanical work shall be as indicted in the ~~following~~ schedule as established by the West Fargo Board of City Commissioners.

SECTION 106.6.3 is hereby amended as follows:

106.6.3 Fee refunds. The code official ~~shall~~ is authorized to order the refunding of fees as follows:

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

2. Not more than eighty [80] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Not more than eighty [80] percent of the plan review fee paid when an application

for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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

SECTION 109 is hereby deleted in its entirety.

SECTION 201.3 is hereby amended to read as follows:

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

SECTION 303.3 Items 3 and 4 are hereby deleted in their entirety:

303.3 Prohibited locations. … …

~~3. A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section 621.6 and has an input rating not greater than 6,000 Btu/h (1.76 kW). The bathroom shall meet the required volume criteria of Section 304.5.~~

~~4. A single wall mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section 621.6 and has an input rating not greater than 10,000 Btu/h (2.93 kW). The bedroom shall meet the required volume criteria of Section 304.5.~~

FIGURE 304.6.1 (1) is hereby deleted in its entirety.

FIGURE 304.6.1 (2) is hereby deleted in its entirety.

FIGURE 304.6.2 is hereby amended as shown below:

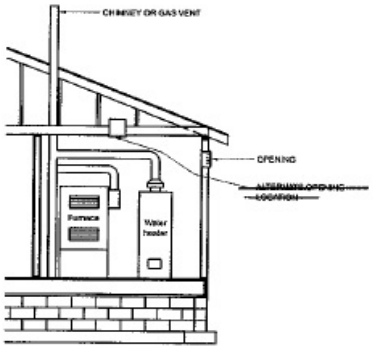

FIGURE 304.6.2
SINGLE COMBUSTION AIR OPENING, ALL AIR FROM THE OUTDOORS
(see Section 304.6.2)

SECTION 304.6.2 is hereby amended to read as follows:

304.6.2 One-permanent-opening method. One permanent opening, commencing within 12 inches (305 mm) of the top of the enclosure, shall be provided. The *appliance* shall have clearances of at least 1 inch (25 mm) from the sides and back and 6 inches (152 mm) from the front of the *appliance*. The opening shall directly communicate with the outdoors or through a vertical or horizontal duct to the outdoors, ~~or spaces that freely communicate with the outdoors (see Figure 304.6.2)~~ and shall have a minimum free area of 1 square inch per 3,000 Btu/h (734mm2/kW) of the total input rating of all appliances located in the enclosure and not less than the sum of the areas of all vent connectors in the space.

SECTION 304.11 (5) is hereby amended to read as follows:

304.11 Combustion air ducts. *Combustion air* ducts shall ...

1. Ducts shall ...

5. Ducts shall not ~~be screened where terminating~~ <u>terminate</u> in an attic space.

6. Horizontal upper ...

SECTION 403.3 is hereby amended to read as follows:

403.3 Other materials. Material not covered by the standards specifications listed herein shall be investigated and tested to determine that it is safe and suitable for the proposed service, and, in addition, shall be recommended for that service by the manufacturer and shall be *approved* by the code official. Listed LPG hose may be used with natural gas when used for temporary heating at a maximum length of 50 feet.

SECTION 403.10.1 is hereby amended to add exception as follows:

403.10.1 Pipe joints. Pipe joints shall ...

Exception: Gas supply systems with pressures 5 psig or greater and gas pipe joints 2½ inches or larger, regardless of pressure, shall be welded.

SECTION 403.10.4 to hereby amended to read as follows:

403.10.4 Metallic fittings. Metallic fittings shall ...

1. Threaded fittings in sizes ~~larger than 4 inches (102mm)~~ 2½ inches or larger shall not be used except where *approved*.

2. Fittings uses ...

SECTION 406.4 is hereby amended to read as follows:

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

SECTION 406.4.1 is hereby amended to read as follows:

406.4.1 Test pressure. The test pressure to be used shall be no less than 1½ times the proposed maximum

working pressure, but not less than ~~3~~ 25 psig ~~(20 kPa gauge)~~, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

SECTION 408.2 is hereby amended to read as follows:

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

SECTION 411.2 is hereby amended to read as follows:

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

~~1. Metallic pipe in accordance with Section 403.4.~~

~~2. Metallic tubing in accordance with Section 403.5.~~

~~3. L~~*listed* and *labeled* connectors in compliance with ANSI Z21.75/CSA 6.27 and installed in accordance with the manufacturer's installation instructions.

SECTION 415.1 is hereby amended to add the following:

415.1 Interval of support. *Piping* shall be supported at intervals not exceeding the spacing specified in Table 415.1. Spacing of supports for CSST shall be in accordance with the CSST manufacturer's instructions. In addition to the requirements of Table 415.1, piping and tubing shall be supported within 2 feet of every bend or angle.

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

501.8 Appliances not to be vented. The following appliances ...

1. Ranges. …

~~8. Room heaters *listed* for unvented use.~~

~~9~~8. Direct-fired makeup air heaters.

~~10~~9. Other appliances *listed* for unvented use and not provided with flue collars.

~~11~~10. Specialized equipment of limited input such as laboratory burners and gas lights.

SECTION 501.12 is hereby amended to read as follows:

501.12 Residential and low-heat appliances flue lining systems. Flue lining systems for use with residential-type and low-heat appliances shall be limited to the following:

1. Clay flue lining complying with the requirements of ASTM C 315 or equivalent when each appliance connected into the masonry chimney has a minimum input rating greater than 400,000 Btu/h. Clay flue lining shall be installed in accordance with the *International Building Code*.

2. *Listed* chimney lining systems complying with UL1777.

3. Other *approved* materials that will resist, without cracking, softening or corrosion, flue gases and condensate at temperatures up to 1,800°F (982°C).

   a. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick to 8 inches diameter.

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

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

SECTION 503.5.3 is hereby amended to read as follows:

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

SECTION 503.5.6.1 is hereby amended to read as follows:

503.5.6.1 Chimney lining. Chimneys shall be lined in accordance with NFPA 211 and Section 501.12.

Exception: Where an existing chimney complies with Sections 503.5.6 through 503.5.6.3 and its sizing is in accordance with Section 503.5.5, its continued use shall be allowed ~~where the *appliance* vented by such chimney is replaced by an *appliance* of similar type, input rating and efficiency~~ when, in more than one appliance venting system the secondary appliance, such as a water heater, is replaced and the primary heating appliance remains.

SECTION 621 is hereby deleted in its entirety.

7-0203. APPEALS. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. The West Fargo City Commission shall be the Board of Appeals. An appeal in writing to the Code Official must be made within 20 days of the decision of the Code Official. The West Fargo City Commission shall hear the appeal within 30 days of the Code Official receiving written notice of the appeal. The Commission may only reverse or modify a decision of the Code Official by a vote of at least three members of the Commission. If not all members of the Commission are present at the hearing, the person appealing the decision may request a postponement, which may extend the 30-day period to hold such a hearing. An application for an appeal shall be based on a claim that the true intent of the Code has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equally good or better form of construction is proposed. The commission shall have no authority to waive requirements of the Code.

CHAPTER 7-03

RESERVED FOR FUTURE USE

CHAPTER 7-04

RESERVED FOR FUTURE USE

CHAPTER 7-05

RESERVED FOR FUTURE USE

CHAPTER 7-06

BOARD OF EXAMINERS

SECTIONS:

7-0601. Definitions.
7-0602. Board of Examiners Created.
7-0603. Terms of Office.
7-0604. Applications.
7-0605. Duties - Subject of Examination.
7-0606. Rules and Procedures.
7-0607. Decisions.
7-0608. Time of Examination.
7-0609. Passing Grade.
7-0610. Certificate of Authority.
7-0611. Suspension or Revocation of Certificates.
7-0612. Records.
7-0613. Master Heating Contractor and Master Gas Installer - Bond Required.
7-0614. Liability Insurance.
7-0615. Liability.

7-0601. DEFINITIONS. The following words, terms and phrases when used in this title shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

1. "Master Heating Contractor" shall mean a person, firm or corporation duly authorized by a Master's Certificate of Authority to conduct the business of constructing, installing, altering, maintaining and repairing heating and air-conditioning plants and combustion units and fuel consuming appliances within the City of West Fargo.

2. "Journeyman Heating Mechanic" shall mean a person duly authorized by a Journeyman's Certificate of Authority to construct, install, alter, maintain and repair heating and air-conditioning plants and combustion units and all fuel consuming appliances while under the supervision of or in the employment of a master heating contractor.

3. "Master Gas Installer" shall mean a person, firm or corporation duly authorized by a Masters Certificate of Authority to conduct the business of installing, maintaining and repairing gas consuming appliances within the City of West Fargo.

4. "Journeyman Gas Fitter" shall mean a person duly authorized by a Journeyman's Certificate of Authority to

install, maintain and repair gas consuming appliances while under the supervision of or in the employment of a Master Gas Installer.

7-0602. BOARD OF EXAMINERS CREATED. There is hereby created a Board of Examiners consisting of seven (7) members, namely: the Chief of the Fire Department, the Building Inspector and the Electrical Inspector of the City of West Fargo, and four (4) members to be appointed by the Board of City Commissioners from a list of names submitted by the heating and air-conditioning contractors of the City of West Fargo. All members of the Board of Examiners shall serve without compensation.

7-0603. TERMS OF OFFICE. Initially two (2) members of the Board of Examiners appointed by the Board of City Commissioners shall serve for a term of one (1) year and the other two (2) and all future appointments shall be made for a term of two (2) years.

7-0604. APPLICATIONS. Any applicant for a Certificate of Authority shall state in the application whether it is for a Master's or Journeyman's Certificate. The application shall show the full name, place of residence, proposed or actual place of business, name of employer, if any, previous experience and trade references.

7-0605. DUTIES - SUBJECT OF EXAMINATIONS. The Board of Examiners shall examine all applicants for a Master's and Journeyman's Certificate of Authority as to their ability and skill to construct, install, alter, maintain, service and repair heating and air-conditioning plants, gas burners, gas burner equipment and appliances and combustion units in the City of West Fargo. The Board shall have complete control over such examinations. The subject of such examination shall be confined to the provisions, requirements and application of this title and the regulatory standards therein adopted. The Board may waive this examination if the applicant shall have passed the Fargo or Moorhead examination and have a current Certificate of Authority from either party.

7-0606. RULES AND PROCEDURES. The Board of Examiners shall make such rules and regulations and prescribe such procedure as may be necessary to carry out its duties under this title.

7-0607. DECISIONS. All decisions of the Board of Examiners shall be concurred in by at least four (4) members of the Board. The Building Inspector shall act as Chairman of the Board.

7-0608. TIME OF EXAMINATION. Regular examinations of applicants shall be conducted in June and December of each year at such time and place as the Board of Examiners may designate. Special examinations where deemed necessary by the Board may be held at the other times.

7-0609. PASSING GRADE. A passing grade shall be seventy-five percent (75%) of a possible one hundred percent (100%). Any applicant who shall fail to receive a passing grade shall be eligible to take a subsequent examination.

7-0610. CERTIFICATE OF AUTHORITY. The Board of Examiners shall certify to the Board of City Commissioners the names of all successful applicants which shall constitute a recommendation that the Board of City Commissioners issue to the applicant a Master's Certificate of Authority or a Journeyman's Certificate of Authority as the case may be upon payment of the fee required by this title. Such Certificate of Authority shall not authorize the doing of any work which is subject to the provisions of the Electrical Code and Plumbing Code of the City of West Fargo.

7-0611. SUSPENSION OR REVOCATION OF CERTIFICATES. The Board of Examiners shall have the authority to suspend or revoke any Certificate of Authority granted under the provisions of this title for violations thereof after first giving notice to the holder thereof of such claimed violation and an opportunity to be heard and present evidence in his own behalf.

7-0612. RECORDS. The Board of Examiners shall appoint a Secretary who shall keep accurate records of all its proceedings, all applications for examinations, the examinations given and the results thereof. Such reports shall be kept in the office of the Building Inspector and shall be open to public inspection during the business hours.

7-0613. MASTER HEATING CONTRACTOR AND MASTER GAS INSTALLER - BOND REQUIRED. Any Master Heating Contractor or Master Gas Installer to whom a Certificate of Authority has been granted shall before receiving such certificate, execute and deposit with the City Auditor, an annual surety bond to be approved by the Board of City Commissioners, in the sum of Five Thousand Dollars ($5,000) conditioned that he will indemnify and keep harmless the City of West Fargo of and from all accidents and damages caused or claimed to be caused by any negligence on the part of himself or any person in his employ in protecting such work, or by any unfaithful or inadequate work done by virtue of this Certificate of Authority and that he will in all things strictly comply with the provisions of this title and with the conditions of any permit issued to him thereunder, which bond shall continue in force and effect for one (1) year after such work has been completed.

7-0614. LIABILITY INSURANCE. Public liability insurance shall be carried by each Master Heating Contractor and Master Gas Installer in an amount not less than One Hundred Thousand Dollars ($100,000) for injuries including accidental death of one (1) person and subject to the same limit for each person in an amount of not less than Three Hundred Thousand Dollars ($300,000) on account of one (1) accident and property damage insurance in the amount of not less than One Hundred Thousand Dollars ($100,000).

A copy of such insurance policy shall be filed with the City Auditor and shall cover the full term of each license.

7-0615. LIABILITY. This title shall not be construed to relieve or lessen the responsibility or liability of any party or his employees engaged in the business of constructing, installing, altering, maintaining and repairing heating and air-conditioning plants, gas burners, gas burning equipment and combustion units within the City of West Fargo for damage to any person or property caused by any act of neglect or inadequate or defective work nor shall the City of West Fargo be held to have assumed any such liability by reason of the issuance of any Certificates of Authority. Certificates of Approval, Inspections of Installations, permits or other acts of said City of West Fargo or its employees as authorized or provided for by this title.

CHAPTER 7-07

FEES

SECTIONS:

7-0701 Permit Fees.
7-0702 License and Examination Fees.
7-0703 Fee for Copy of Relevant Code Provisions.

7-0701. PERMIT FEES. The fee for each permit shall be based on the permit fee schedule as adopted by resolution of the Board of City Commissioners of the City of West Fargo.

Source: Ord. 399, Sec. 5 (1990); Ord. 497, Sec. 9 (1996); Ord. 555, Sec. 4 (1998).

7-0702. LICENSE AND EXAMINATION FEES. Master Heating Contractors, Master Gas Installer, Journeyman Heating Mechanic, Journeyman Gas Installer shall pay fees and license fees as follows:

Master Heating Contractor and Master Gas Installer:

Examination Fee	$10.00
Annual License Fee, Certificate of Auth.	$50.00
Renewal License Fee, Certificate of Auth.	$25.00

Journeyman Heating Mechanic and Journeyman Gas Installer:

Examination Fee	$ 5.00
Annual License Fee, Certificate of Auth.	$ 4.00
Renewal License Fee, Certificate of Auth.	$ 2.00

Unless the examination is waived pursuant to the provisions of Section 7-0605, then in that case the examination fee shall be waived. All licenses currently in effect at the time this ordinance is amended shall remain in effect until March 31, 2014. Thereafter, the license period shall be from April 1 through March 31 of the following year.

Source: Ord. 959, Sec. 2 (2013)

7-0703. FEE FOR COPY OF RELEVANT CODE PROVISIONS. Every licensed contractor, pursuant to Chapter 43-07 of the North Dakota Century Code, when applying for a heating permit or when applying for a license from the City, shall be provided a copy of the Mechanical Code Ordinances of the City of West Fargo and the relevant portions of the Uniform Mechanical Code adopted by the City. The contractor will be charged a fee for such copies in an amount set by the City Commission. A contractor will only be provided one copy of the relevant Mechanical Code sections and pay

one fee, no matter how many heating permits are requested by that particular contractor. Provided, however, that if the City later adopts another Mechanical Code, the contractor will again be required to pay another fee to get the revised Mechanical Code provisions. Notwithstanding the above provisions, if a contractor shows the licensing authority his/her copy of the appropriate Mechanical Code, then the contractor shall just be supplied a copy of the West Fargo Mechanical Code Ordinances and shall not be required to be provided nor pay the charge for obtaining a copy of the relevant Mechanical Code.

Source: Ord. 497, Sec. 10 (1996); Ord. 519, Sec. 2 (1997).

CHAPTER 7-08

PENALTY

SECTIONS:

7-0801. Penalty.

7-0801. PENALTY. Any person violating any of the provisions of this title, or failing to comply therewith, or who violates or fails to comply with any code, standard or requirement therein adopted by reference, or who constructs or installs any heating or air conditioning plant, gas burning equipment or appliance or combustion unit in violation of any plans, specifications or sketches upon which the same was submitted and approved or any permit issued thereunder shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. The imposition of one penalty for any violation or non compliance of this title shall not excuse or permit the same to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced correction or removal of prohibited conditions.