

CHAPTER 62-04-03 MATERIALS

Section

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| 62-04-03-01 | Materials |
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62-04-03-01. Materials.

1. **Minimum standards.** Materials shall conform at least to the standards cited in this chapter, which shall be considered minimum standards, when used in the construction, installation, alteration, or repair of water conditioning systems or parts thereof, except that:
 - a. The administrative authority shall allow the extension, addition to, or relocation of existing water pipes with materials of like grade or quality as permitted in subsection 1 of section 62-03-03-03.
 - b. Materials not covered by the standards cited in this chapter may be used with the approval of the administrative authority as permitted in subsection 2 of section 62-03-03-03.
2. **General requirements.** All materials, fixtures, or equipment used in the installation, repair, or alteration of any water conditioning system shall conform at least to the standards listed in this chapter except as otherwise approved by the administrative authority under the authority contained in section 62-03-03-03.

All materials installed in water conditioning systems shall be so handled and installed as to avoid damage so that the quality of the material will not be impaired.

No defective or damaged materials, equipment, or apparatus shall be installed or maintained.

All materials used shall be installed in strict accordance with the standards under which the materials are accepted and approved, including the appendices of the standards, and in strict accordance with the manufacturer's instructions.

3. **Standards applicable to plumbing materials.** A material shall be considered approved if it meets one or more of the standards cited in Table 62-03-03, and in the case of plastic pipe, also the listed standard of the national sanitation foundation. Materials not listed in Table 62-03-03 shall be used only as provided for in subsection 2 of section 62-04-03-02 or as permitted elsewhere in this article.
4. **Identification of materials.** Materials shall be identified as provided in the standard to which they conform.

General Authority: NDCC 43-18.1-03

Law Implemented: NDCC 43-18.1-04

62-04-03-02. Alternate materials and methods.

1. **Existing buildings.** In existing buildings or premises in which plumbing installations are to be altered, renovated, or replaced, such new materials and work shall meet or exceed the provisions of this article. Where the administrative authority shall find that the full performance of bringing such work into compliance with all requirements of this article would result in exceptional undue hardship by reason of excessive structural or mechanical difficulty, or impracticability, a deviation may be granted by the administrative authority only where, and to the extent, necessary to ameliorate such exceptional or undue hardship, and only where, and to the extent, such deviation can be granted without impairing the intent and purpose of this

article. A record, open to inspection by the public shall be maintained by the administrative authority of each and every deviation allowed under the terms of this subsection.

2. **Approval.** The administrative authority may approve the use of fixtures, appurtenances, materials, and methods of a type not conforming with the requirements of, nor expressly prohibited by, this article after determination that such fixture, appurtenance, material, or method is of such design or quality, or both, as to appear to be suitable, safe, and sanitary for the use for which it is intended. A record of such instances shall be maintained and shall be available to the public. Action shall be taken within reasonable time to amend this article so as to either authorize or prohibit such use. Any person desiring to install or use a fixture appurtenance, material, or method of a type not conforming with the requirements of, nor expressly prohibited by, this article shall, prior to such installation or use, submit to the administrative authority such proof as may be required to determine whether such fixture, appurtenance, material, or method is of such design or quality, or both, as to appear to be suitable, safe, and sanitary for the use for which it is intended. In the event the administrative authority determines that it does appear to be suitable, safe, and sanitary for the use for which it is intended, the administrative authority may then permit such use; provided, that the manner of installation or use is otherwise in accordance with this article. In view of the special nature of these cases, such use shall be subject to periodic inspection by the administrative authority and such fixture, appurtenance, material, or method shall, upon order, be discontinued or removed if such inspection indicates it is unsuitable, unsafe, insanitary, or contrary to the provisions of this or other applicable codes.
3. **Tests.** When there is insufficient evidence to verify claims for alternate materials the administrative authority may require as proof of suitability tests of compliance by an approved agency at the expense of the applicant.
4. **Test procedure.** Tests shall be made in accordance with generally recognized standards; but in the absence of such standards, the administrative authority shall specify the test procedure.
5. **Repeated tests.** The administrative authority may require tests to be repeated if, at any time, there is reason to believe that an alternate material no longer conforms to the requirements on which its approval was based.
6. **Limitation of lead content.** Pipe and fittings used in the potable water supply system may not contain more than eight percent lead.

History: Amended effective October 1, 1989.

General Authority: NDCC 43-18.1-03

Law Implemented: NDCC 43-18.1-04