

ORDINANCE NO. 2023-5

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.17 One- and Two-Family Dwelling Code of the Wayne Municipal Code is amended to read as follows:

§ 150.17 ONE- AND TWO-FAMILY DWELLING CODE.

(A) Adopted by reference. To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction, and uses of materials in houses erected, constructed, enlarged, altered, repaired, relocated and converted, the 2018 International Residential Code for One- and Two-Family Dwellings," as published by International Code Council, Inc., is hereby adopted as the one- and two-family dwelling code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (B) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(2002 Code, § 18-151) (Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2017-29, passed 9-19-17)

Statutory reference:

Authority to adopt codes by reference, see Neb. RS 18-132

(B) *Additions, insertions, and changes.* The following sections of the one- and two-family dwelling code adopted in Section 15.17 (A) are hereby revised as follows:

Section R101.1. Title. Insert: the City of Wayne, Nebraska

Section R105.2 Work exempt from permit. Amend to read as follows:

Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. One-story detached accessory structures, provided the floor area does not exceed 64 square feet.
2. Fences not over 8 feet high.
3. Retaining walls that are not over 4 feet in height measured from the top of finished grade to top of wall.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated above ground swimming pools.
8. Swings and other playground equipment accessory to a one- or two-family dwelling.
9. Window awnings supported by an exterior wall.
10. Replacement of existing windows with like size windows where no structural alteration is required to affect said change. Window opening size shall not be substantially diminished by replacement and in no instance shall a casement or slider style window be replaced with a double-hung window style, unless minimum egress standard is met.

Section 105.5 Expiration. Add the following text to the end of this section:

Every permit shall expire 2 years from the date of initial written approval and any remaining work will require a new permit including a new fee and deposit. At such time the original deposit will be forfeited to the City along with the original permit fee. The two years shall include any temporary occupancy of the building.

Section R106.3.1. Approval of construction documents. Delete this section.

Section R108.2. Schedule of permit fees. Insert the Building Permit Fees as set forth by the City Council and a copy shall be on file at the City Clerk's office.

Section 110.2 Change in Use. Delete this section.

Section 110.4 Temporary Occupancy. Add the following text to the end of this section:

The owner of the building shall provide an additional cash deposit in the amount of \$1,000 that will be returned upon issuance of a final certificate of occupancy. If at any time the building permit is revoked or becomes invalid the deposit will be forfeited to the City.

In order to obtain a temporary occupancy the following items shall be completed:

1. House numbers on the front of the building.
2. Exterior siding (not just moisture barrier) placed on the building **in any R or B District.**
3. Driveway surfaced as required by the zoning code.
4. All smoke/carbon monoxide detectors installed per code.
5. Handrails on all stairs as required by code.
6. Hot water available as required by code.
7. One working sink.
8. One working toilet.
9. One working tub or shower.
10. Front stoop/stairs completed.

11. Any deck over 30" above the adjacent grade must have guardrails installed as required by code or access to the deck denied by removing operational hardware from any exterior door entering the deck, or by other means that prevent the door from being unlocked and opened. Also any access from the ground level may not be put in place without guardrails on the deck for temporary occupancy to be allowed.
12. Final approval by the State Electrical Inspector.

Section R112.1. General. Amend to read as follows:

Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this article may appeal such decision, notice or order to the board of appeals established pursuant to the current building code in force and effect in the jurisdiction of the City of Wayne, Nebraska. The procedure for said appeal shall be as published in said building code then currently in force and effect.

Section R113.4. Violation penalties. Amend to read as follows:

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of an offense and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or allowed, and upon conviction of any such violation, such person shall be punishable by a fine or not more than five hundred dollars (\$500.00).

Section R114.1 Notice to owner. Amend to read as follows:

Upon notice from the code official that work on any building or structure is being done contrary to the provisions of this code, such work shall immediately be stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to be resumed.

Section R202 Definitions. Add definitions of "Crawl Space", "Sleeping Room" and Building Envelope" as follows:

CRAWL SPACE. An underfloor space that is not a basement. A crawl space shall have a minimum height of 30" from the bottom of floor joists to top of concrete floor. Floor shall not be less than 3" thick. Supply and return HVAC system shall be provided in each crawl space area.

SLEEPING ROOM. Any room in a house that is greater than 70 square feet and has built-in closet space and typically could be used as a bedroom. This does not include rooms used for cooking, eating, family living, gathering, bathrooms, toilet rooms and halls.

BUILDING ENVELOPE. Building sections which separate inside, conditioned spaces from outside air.

Table R301.2(1): CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA. Insert the following design criteria information.

Roof Snow Load:	30 lbs. per square foot
Ground Snow Load:	25 lbs. per square foot
Wind Speed:	115 mph
Seismic Design Category	B
Subject to Damage from Weathering:	Severe
Subject to Damage from Frost Line Depth:	42 inches
Subject to Damage from Termite:	Moderate to Heavy
Subject to Damage from Decay:	None to Slight
Winter Design Temp:	4 Degrees
Flood Hazards:	Not Available

Section R301.5 Table R301.5 Amend all 30 pound live loads to 40 pounds.

Section R302.5.1 Opening protection. Amend. Delete "equipped with a self-closing device."

Section R302.7 Under-stair protection. Delete this section.

Section R302.12 Draftstopping. Delete this section.

Section R302.12.1 Materials. Delete this section.

Section R302.13 Fire protection of floors. Delete this section.

Section R303.7 Stairway illumination. Amend to read as follows:

All interior and exterior stairways, serving a means of egress, shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. Exterior stairways shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom of the landing of the stairway.

Section R309.5 Fire Sprinklers. Delete this text. Add "Garages located less than 10 feet from a dwelling unit on the same lot shall be protected with no less than 5/8" gypsum board applied to the interior and exterior walls."

Section R311.7.5.1 Risers. Add Exception: 1. Secondary stairways serving only storage and utility areas need not comply with rise height and tread depth.

Section R311.7.8.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 30 inches and not more than 38 inches.

Section R313 Automatic Fire Sprinkler Systems. Delete this section.

Section R314.2.2 Alterations, repairs and additions. Delete text and exceptions. Replace with "All dwelling units shall have operational interconnected smoke detectors. Smoke detectors shall be located as required by Section R314.3."

Section R317.1(1) Amend to "Wood joists or the bottom of a wood structural floor where closer than 30" to the top of the concrete crawl space floor."

Section R402.2 Concrete. Add the following sentence: "Garage floors and driveways or unreinforced concrete shall be a minimum of 4" thick."

Section R402.1.1 Minimum size. Add "Spread footings shall not be less than 16" wide or less than 8" thick with 2 courses of 1/2" rebar."

Section R501.3 Fire protection of floors. Delete this section.

Section R502.3 Allowable joist spans. Amend to read as follows:

Spans for floor joints shall be in accordance with Table R502.3.1(2). For other grades and species and for other loading conditions, refer to the AF & PA Span Tables for Joints and Rafters.

Section R502.3.1 Sleeping areas and attic joists. Delete this section.

Section R502.3.2 Other floor joists. Amend to read as follows:

Table R502.3.1(2) shall be utilized to determine the maximum allowable span of floor joists that support all areas of the building, provided that the design live load does not exceed 40 psf and the design dead load does not exceed 10 psf.

Section R506.2.3 Vapor retarder. Delete this section.

Chapter 11: Remove this chapter from the one- and two- family dwelling code; however, retain the language therefrom and adopt it as Appendix R with the following notation:

"[This appendix is informative and is not part of the code and words or phrases that indicate mandatory action (i.e. "shall") in this Appendix R shall be read and construed as words or phrases that indicate recommended action (i.e. "should)]."

Section M1305.1 Appliance access for inspection service, repair and replacement. Amend to add after last sentence: "Mechanical rooms containing two or more appliances shall not be less than 40 square feet in area no less than 4 feet in width or depth."

Section 1502.4.1 Material and size. Add after.....(No. 28 gauge): "or material approved by code official."

Section G2409.1 (308.1) Scope. Amend to read as follows:

This section shall govern the reduction in required clearances to combustible materials and combustible assemblies for chimneys, vents, appliances, devices and equipment. Clearance requirements for air-conditioning equipment and central heating boilers and furnaces shall comply with Sections G2049.3 and G2409.4.

Section P2603.5.1 Sewer depth. Insert "48" inches in two locations.

Section P2904 Dwelling Unit Fire Sprinkler Systems. Delete this section

Adopt Appendix F – Radon Control Methods.

Section AF103.1 General. Amend to add after last sentence: "Alternative system designs may be installed when approved by the code official."

Section AF103.8.1 Vent fan location. The vent fan shall be located within three feet of an attic access opening.

1. Exception: An elevated walkway above insulation is provided from attic access to vent piping. Walkway shall be elevated a minimum of 30" above bottom of ceiling joists and a minimum of 30" below bottom of rafters. Walkway shall be a minimum of 24" wide.
2. Exception: Attic access and radon vent are both located within the garage footprint. Radon vent shall be exposed with the garage footprint and within 6 feet of an electrical outlet.

Delete AF103.3 Soil-gas-retarder.

Delete AF103.5.2 Soil-gas-retarder.

Adopt Appendix G – Swimming Pools, Spas and Hot Tubs.

Section 2. That the original Sections and all ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. This ordinance may be published in pamphlet form as authorized by law.

PASSED AND APPROVED this 4th day of April, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk