

ORDINANCE NO. 2023-9

AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.15 BUILDING CODE; BUILDING PERMITS; 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 150.15 Building Code; Building Permits of the Wayne Municipal Code is amended to read as follows:

§ 150.15 BUILDING CODE; BUILDING PERMITS.

(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 buildings erected, constructed, enlarged, altered, repaired, relocated and converted, the “2018 International Building Code” as published by The International Code Council, Inc. is hereby adopted as the building 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 (D) 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 at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction. (2002 Code, § 18-41)

(B) *Conflicts.* In the event of a conflict between the provisions of the publication adopted by reference in this article and any other provisions of this Code, such other provisions of this Code shall be controlling.

(C) *Permit determinations.* The Building Inspector shall determine when a building permit is required pursuant to this section. Any appeal of the Building Inspector’s decision of the requirement to obtain a building permit shall be appealed to the City Administrator. (2002 Code, § 18-43)

(D) *Additions, insertions, and changes.* The following sections of the building code adopted in Section 150.15 (A) are hereby revised as follows:

Section 101.1 Title. Insert: the City of Wayne, Nebraska

Section 103.1 Creation of enforcement agency. Add the following after the last sentence:

The terms building official and code official shall be interchangeable as they relate to the code.

Section 104.1 General. Add the following after the last sentence:

The code official shall also be responsible for zoning ordinance enforcement, issuance of Right-of-Way permits, attendance at all planning commission meetings, board of adjustment meetings, and all meetings pertinent to this position.

Section 105.2 Work exempt from permit. Amend item 1 under “Building” to read as follows:

1. One-story detached accessory structures used as playhouses and similar uses, provided the floor area does not exceed 64 square feet.

2. Fences not over 8 feet high.

3. Retaining wall less than 48” high when measured from the top of the finished grade at base of retaining wall to top of retaining wall unless supporting a surcharge of impounding Class I, II, or IIIA liquids. Retaining walls over 48” above finished grade shall be provided with a guardrail. The guardrail shall be a minimum of 36” high.

Section 107.3.1 Approval of construction documents. Delete this section.

Section 109.2 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 114.4 Violation penalties. Amend to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 115.2 Issuance. Amend to read as follows:

Upon notice from the code official, work on any building or structure that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work, however, a written notice as provided for in this section shall be given as soon as practicable following the work stoppage order.

Section 115.3 Unlawful continuance. Amend to read as follows:

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

***Section 423.3 Critical Emergency Operations.* Amend to read as follows:**

In areas where the shelter design wind speed for tornados in accordance with Figure 304.2(1) of ICC 500 is 250 MPH, 911 call stations, emergency operation centers and fire, rescue, ambulance and police stations shall comply with Table 1604.5 as a Risk Category IV structure and shall be provided with a storm shelter constructed in accordance with ICC 500.

Exceptions:

- 1. Emergency Operations that are relocated within an existing building shall be exempt from meeting the requirements of ICC-500, but shall take reasonable steps to ensure continuity of services in the event of a natural disaster.**
- 2. New construction for Emergency Operations with an occupant load less than 50.**

Section 423.4 Group E Occupancies. Amend to read as follows:

In areas where the shelter design wind speed for tornados is 250 mph in accordance with Figure 304.2(1) of ICC 500, all Group E occupancies with an occupant load of 50 or more shall have a storm shelter constructed in accordance with ICC 500.

Exceptions:

- 1. Group E day care facilities.**
- 2. Group E occupancies accessory to places of religious worship.**
- 3. Buildings meeting the requirements for shelter design in ICC 500.**
- 4. Additions to existing Group E occupancies in which the gross area of new construction is less than 25% of the gross area of the existing building.**

Section 1612.3 Establishment of flood hazard areas. Amend to read as follows:

To establish flood hazard areas, the governing body has adopted flood hazard maps and regulations as set forth in Chapter 152 of the Official Code of the City of Wayne, Nebraska. The adopted flood hazard maps and supporting data are hereby adopted by reference and declared to be part of this section.

Section 3410.2 Applicability. Insert: ~~July 1, 2021~~ **July 1, 2023**

Adopt Appendix B – Board of Appeals. Amend the following sections to read as follows:

[A] B101.1 Application. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. A fee set forth by the City Council shall accompany each application for appeal to the board of appeals. Such fee shall be refunded to the applicant in the vent the board of appeals finds in favor of the applicant.

[A] B101.2.2 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass judgement on matters pertaining to building construction and are not employees of the jurisdiction.

[A] B101.3 Notice of meeting. The board shall meet upon notice from the chairperson within 60 days of the filing of an appeal or at stated periodic meetings.

Adopt Appendix F – Rodent Proofing.

(E) *Building permits; duplicate to County Assessor.* Whenever a building permit is issued for the erection, alteration or repair of any building within the city's zoning jurisdiction, and the improvement is \$1,000 or more, a duplicate of such permit shall be issued to the County Assessor. (2002 Code, § 18-45)

(F) *Building permits; cash deposits.*

(1) Cash deposits shall be required with the submittal of each building permit application. The cash deposits shall be set by the Council, and a schedule of the same is on file and available in the City Clerk's office.

(2) The cash deposit shall be forfeited to the city if the contractor fails to call the Building Official to request the required inspections as noted on the building permit card. Upon forfeiture of the building permit cash deposit, a new cash deposit of the same amount shall be required before construction can continue.

(3) The building permit cash deposit shall not be waived.

(4) The cash deposit shall be returned to the owner or contractor as stated on the building permit application within two business days after issuance of the certificate of occupancy.
(2002 Code, § 18-46)

(G) *Building permits; penalty.* A penalty for not obtaining a building permit prior to the start of the project shall be established in an amount of two times the building permit fee.

(2002 Code, § 18-47)

(Ord. 98-19, passed 11-24-1998; Ord. 2000-15, passed 7-25-2000; Ord. 2007-13, passed 11-20-2007; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2011-4, passed 4-5-2011) Penalty, see § 150.99

Statutory reference:

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

Related provisions, see Neb. RS 18-1743

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 2nd day of May, 2023.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk