



**CITY OF LA VISTA
8116 PARK VIEW BOULEVARD
LA VISTA, NE 68128
P: (402) 331-4343**

**PLANNING COMMISSION AGENDA
JANUARY 6, 2022 – 6:30 P.M.**

- 1. *Call to Order***
- 2. *Approval of Meeting Minutes – November 18, 2021***
- 3. *Old Business***
- 4. *New Business***
 - A. *Comprehensive Plan Future Land Use Map Amendment – 8001 S. 132nd Street and associated ROW – Steve LaHood***
 - i. Staff Report – Cale Brodersen, Assistant City Planner
 - ii. Applicant Presentation
 - iii. Public Hearing
 - iv. Recommendation
 - B. *Zoning Map Amendment – 8001 S. 132nd Street and associated ROW – Steve LaHood***
 - i. Staff Report – Cale Brodersen, Assistant City Planner
 - ii. Public Hearing
 - iii. Recommendation
 - C. *Text amendments to Chapter 150 of the La Vista Municipal Code pertaining to building regulations and updated building codes***
 - i. Staff Report – Jeff Sinnott, Chief Building Official
 - ii. Public Hearing
 - iii. Recommendation
- 5. *Adoption of the 2022 Schedule of Planning Commission Hearings / City of La Vista Review Schedule***
- 6. *Comments from the Floor***
- 7. *Comments from the Planning Commission***
- 8. *Comments from Staff***
- 9. *Adjournment***

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact City Hall prior to the meeting at (402) 331-4343. A copy of the Open Meeting Act is posted in the Council Chamber. Citizens may address the Planning Commission about items not on the agenda under "comments from the floor". Comments should be limited to three minutes. We ask for your cooperation in order to provide for an organized meeting.



MEETING MINUTES
CITY OF LA VISTA PLANNING COMMISSION
8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128
P: (402) 593-6400

THURSDAY, NOVEMBER 18, AT 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, November 18, 2021, in the Harold "Andy" Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. Legal notice of the public meeting and hearing were posted, distributed, and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public. The following Planning Commission members were present and absent:

PRESENT: Mike Krzywicki, Gayle Malmquist, Kathleen Alexander, Kevin Wetuski, Harold Sargus, Jason Dale, Mike Circo, and Josh Frey.

ABSENT: Patrick Coghlan and John Gahan.

STAFF PRESENT: Bruce Fountain, Community Development Director; Chris Solberg, Deputy Community Development Director; Cale Brodersen, Assistant Planner; Meghan Engberg, Permit Technician; and Pat Dowse, City Engineer.

1. Call to Order

The meeting was called to order by Chairman Wetuski at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes From November 18, 2021

Motion: Circo moved, seconded by Malmquist, to **approve** the November 4th, 2021, minutes.

RESULT:	Motion carried 6-0-2.
MOTION BY:	Circo
SECONDED BY:	Malmquist
AYES:	Krzywicki, Dale, Circo, Frey, Sargus, and Malmquist
NAYS:	None
ABSTAINED:	Wetuski and Alexander
ABSENT:	Coghlan and Gahan

3. Old Business

None.

4. New Business

A. Planned Unit Development & Replat – Lot 19 Southport West and Lots 1,2, and 3 Southport West Replat Seven- Southport Parkway, LLC

- i. Staff Report – Christopher Solberg, AICP:** Solberg stated the applicant, Southport Parkway, LLC, is requesting a PUD site plan amendment to allow for a commercial development with shared parking. Solberg mentioned that this development was brought to the Commission about 2 years ago that included a similar site plan, but instead of having a multi-tenant strip mall on the far east side of the 4 lots, it will now be a single tenant building proposed as a coffee shop on that side. He said it will retain the center multi-tenant building and then a standalone building on Lot 19.

Solberg said that the request also includes the replat of the lots to move one of the lot lines as well as moving the access down further southwest along Southport Parkway to provide better traffic control to that area.

Staff recommends approval of the PUD Site Plan for a commercial development on Lot 19 Southport West and Lots 1-3 Southport West Replat 7 contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

Staff recommends approval of Southport West Replat Eight, contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the Replat request is consistent with the Comprehensive Plan and the Subdivision Regulations.

- ii. Applicant Presentation:** Jeff Lake with Summit Development presented the site plan to the Commission showing the proposed development. He discussed the history of the site and mentioned that this had come before the Commission in 2019 with another group, but that when COVID happened, they decided to sell the property. Summit purchased the property and reached out to some of the people who had been interested in the site previously and had started to make some progress with them but wanted to make sure they went through the process before marketing the site further. Lake explained the purpose of moving the access on Southport Parkway further west due to concerns on vehicle drive-through stacking where the coffee shop will be going.
- iii. Public Hearing: Wetuski Opened the Public Hearing**

Wetuski closed the Public Hearing as no members of the public were present.

iv. **Recommendation – Planned Unit Development:** Circo moved, seconded by Frey, to recommend **approval** of the PUD Site Plan for a commercial development on Lot 19 Southport West and Lots 1-3 Southport West Replat 7 contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and Zoning Ordinance.

RESULT:	Motion carried 8-0.
MOTION BY:	Circo
SECONDED BY:	Frey
AYES:	Krzywicki, Frey, Dale Circo, Sargus, Wetuski Alexander, and Malmquist
NAYS:	None
ABSTAINED:	None
ABSENT:	Gahan and Coghlan

v. **Recommendation – Replat:** Sargus moved, seconded by Dale, to recommend **approval** of Southport West Replat Eight, contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the Replat request is consistent with the Comprehensive Plan and Subdivision Regulations.

RESULT:	Motion carried 8-0.
MOTION BY:	Sargus
SECONDED BY:	Dale
AYES:	Krzywicki, Gahan, Frey, Dale Circo, Wetuski, Alexander, and Malmquist
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan and Gahan

B. Zoning Ordinance Amendments – Article 2: Definitions; Article 4: General Provisions; Article 5: Zoning Districts; Article 6: Conditional Use Permits; Article 7: Supplemental Regulations; and Article 9: Amendment

i. **Staff Report – Cale Brodersen, AICP:** Brodersen stated that this item is brought forward to the Commission by Staff and is being referred to as a zoning cleanup. He said that they are planning on a zoning rewrite and larger overhaul in fiscal year 2023. At this time, there are some changes they are looking to make due to some language that isn't consistent or clear and to make changes to some uses to bring them up to date since the Zoning Ordinance is over 20 years old. Brodersen offered

to answer any questions the Commission may have on specific changes, the background, or the rationale behind the changes.

Staff recommends approval of the proposed zoning text amendments.

ii. **Public Hearing: Wetuski Opened the Public Hearing**

Wetuski closed the public hearing as no members of the public were present.

iii. **Recommendation:** Malmquist moved, seconded by Frey to recommend **approval** of the zoning text amendments.

RESULT:	Motion carried 8-0.
MOTION BY:	Malmquist
SECONDED BY:	Frey
AYES:	Krzywicki, Gahan, Frey, Circo Dale, Wetuski, Alexander and Malmquist
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan and Frey

5. Comments from the Floor

None.

6. Comments from the Planning Commission

None.

7. Comments from Staff

None.

8. Adjournment

Wetuski adjourned the meeting at 6:49 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date

AGENDA ITEM 4A

**Comprehensive Plan Future Land Use Map
Amendment – 8001 S. 132nd Street and associated
ROW – Steve LaHood**

&

AGENDA ITEM 4B

**Zoning Map Amendment – 8001 S. 132nd Street
and associated ROW – Steve LaHood**



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCPA21-0001 & PRZ21-0001; FOR HEARING ON: JANUARY 6, 2022
REPORT PREPARED ON: DECEMBER 28, 2021

I. GENERAL INFORMATION

A. APPLICANT(S):

Steve LaHood
15939 Yates Street
Omaha, NE 68116

B. PROPERTY OWNER:

Steve LaHood
15939 Yates Street
Omaha, NE 68116

C. LOCATION: 8001 S. 132nd Street, Omaha, NE 68138; located southeast of the intersection of S. 132nd Street and Centech Plaza.

D. LEGAL DESCRIPTION: Tax Lot 6B 18-14-12

E. REQUESTED ACTION(S): Approval of an amendment to the Future Land Use Map of La Vista's Comprehensive Plan to designate the property for future industrial use; and approval of a zoning map amendment to rezone the property from R-3 High-Density Residential and Gateway Corridor District (Overlay District) to I-1 Light Industrial and Gateway Corridor District (Overlay District).

F. EXISTING ZONING AND LAND USE: R-3 High-Density Residential and Gateway Corridor District (Overlay District). This property contains an abandoned pumphouse previously owned and operated by Metropolitan Utilities District (MUD).

G. PURPOSE OF REQUEST: Mr. LaHood seeks to convert the existing structure (old MUD pumphouse) into an artist studio space (a place to paint and store his artwork) by adding a second story to the structure, bringing it into compliance with building and life safety codes, and constructing some additional site improvements.

H. SIZE OF SITE: Approximately 0.05 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	High-Density Residential	R-3 High-Density Residential and Gateway Corridor District (Overlay District).	Andover Pointe Apartments
East	High-Density Residential	R-3 High-Density Residential and Gateway Corridor District (Overlay District).	Andover Pointe Apartments Property; Interstate 80
South	High-Density Residential	R-3 High-Density Residential and Gateway Corridor District (Overlay District).	Andover Pointe Apartments Property; Interstate 80
West	Industrial	I-1 Light Industrial	Centech Business Park (industrial park)

B. RELEVANT CASE HISTORY:

1. The applicant purchased the property from MUD in March of 2020.
2. The applicant obtained variances from La Vista's Board of Adjustment (BOA) on September 22, 2021 for several zoning requirements that would allow for construction activities to occur on the lot. These granted variances are noted in the site plan on page 6 of the development proposal presentation attached to this staff report as "Exhibit C". The granted variances include the following:
 - a. Allowing for a reduction in the minimum front yard setback from 60 feet (where parking would be present) to 27 feet on the north side, and from 35 feet to 10 feet on the west side, to match the current setbacks for the existing structure (Section 5.13.05.01);
 - b. Allowing for a reduction in the minimum side yard setback from 30 feet to 3 feet on the south side of the property, and from 30 feet to 22 feet on the east side, to match the current setbacks for the existing structure (Section 5.13.05.01);

- c. Allowing for a reduction in the minimum lot width for the I-1 Light Industrial District from 100 feet to 50 feet (Section 5.13.05.01) so that the property can be replatted as a legal lot;
- d. Allowing for a reduction in the minimum lot area for the I-1 Light Industrial District from 10,000 square feet to 2,500 square feet (Section 5.13.05.01) so that the property can be replatted as a legal lot if the property is rezoned to I-1 Light Industrial, as proposed;
- e. Waiver from Section 5.13.06.01 which requires that no parking or drives be located within 30 feet of a residential district, to allow for a place for parking on this lot. As the property is surrounded by residentially zoned land on the north and east sides (the only two sides with sufficient space to park a vehicle), and due to the small lot size, no parking of vehicles would be allowed without a variance from this requirement;
- f. Waiver from Section 7.17.03.02 which requires a landscaped area of 15 feet from the property line along all street frontages. This variance was granted for the north and west sides of the property. On the west side of the property there is only 10 feet between the property line and the existing structure, and on the north side of the property there is not sufficient room for both the 15 foot landscaping buffer and space to park a vehicle;
- g. Waiver from Section 7.17.03.03 which requires a landscaped area of 10 feet from the property line along all side yards. This variance was granted for the south side of the property. The existing structure is only setback 3 feet from the south side property line, so there is not sufficient room for the 10 foot landscaping buffer.

C. APPLICABLE REGULATIONS:

- 1. Section 5.13 of the City of La Vista Zoning Ordinance – I-1 Light Industrial Zoning District
- 2. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Map of the La Vista Comprehensive Plan designates this property for high-density residential development. Prior to City Council consideration of the Zoning Map amendment, review and a decision on the proposed Future Land Use Map amendment must first occur.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. This property will have driveway access to Centech Plaza. As Centech Plaza is a private drive, the applicant was required to obtain an ingress/egress easement from Edward Rose Development Company, LLC (the owners of the adjacent property and access drive). This easement was granted and recorded on May 10, 2021.

D. UTILITIES:

1. The property will have access to all necessary utilities. Exact locations for all utilities will be determined through the future replat process.

E. PARKING REQUIREMENTS:

1. All development activity will need to meet the minimum parking requirements of the underlying zoning district.

IV. REVIEW COMMENTS:

A. Pending approval of these applications for a Future Land Use Map amendment and Zoning Map amendment, the following subsequent steps would need to occur for Mr. LaHood to make the improvements and utilize the property as intended:

1. Separate preliminary and final plats to make the lot a legal lot of record (which must occur to allow for the construction activities);
2. The proposed exterior improvements would need to be approved through the City's design review process as this lot sits within the City's Gateway Corridor Overlay District; and
3. Additional items would be required for the building permit, including an engineering report for the existing structure and items relating to utilities and stormwater.

V. STAFF RECOMMENDATION – COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT:

Staff recommends approval of Comprehensive Plan Future Land Use Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Official Zoning Map and approval and recording of the final replat.

VI. STAFF RECOMMENDATION – ZONING MAP AMENDMENT:

Staff recommends approval of the Zoning Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Comprehensive Plan Future Land Use Map and approval and recording of the final replat.

VII. ATTACHMENTS TO REPORT:

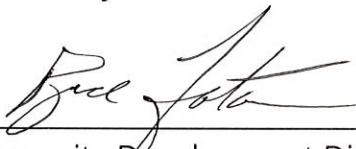
- A. Vicinity Map – Comprehensive Plan Future Land Use Map Amendment
- B. Vicinity Map – Zoning Map Amendment
- C. Development Proposal Presentation

VIII. COPIES OF REPORT SENT TO:

- A. Steve LaHood
- B. Public Upon Request



Prepared by: Assistant Planner

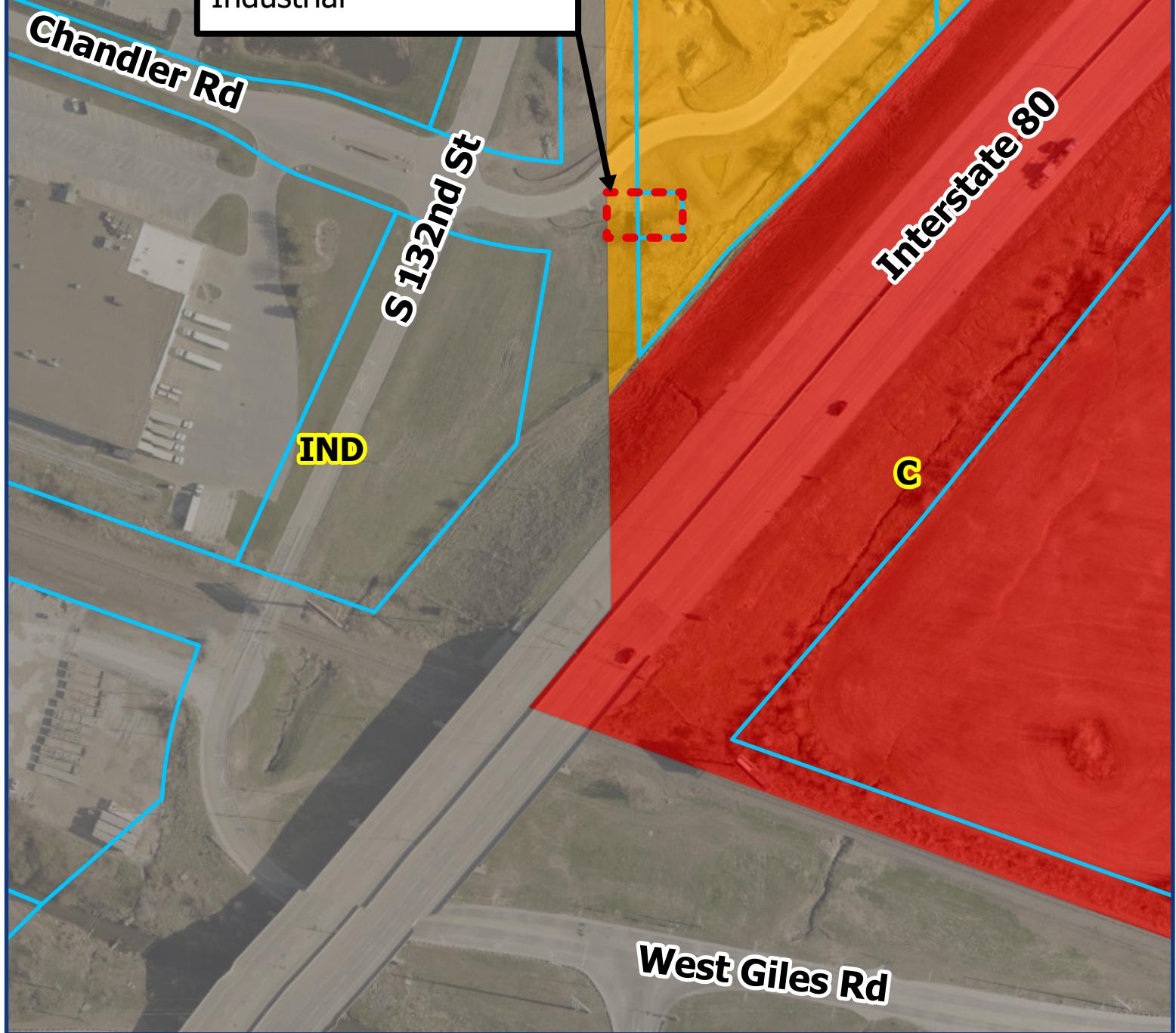


12/29/21

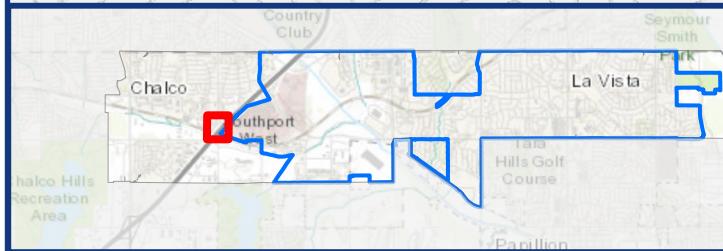
Community Development Director

Date

Amend Future Land Use designation from High-Density Residential to Industrial



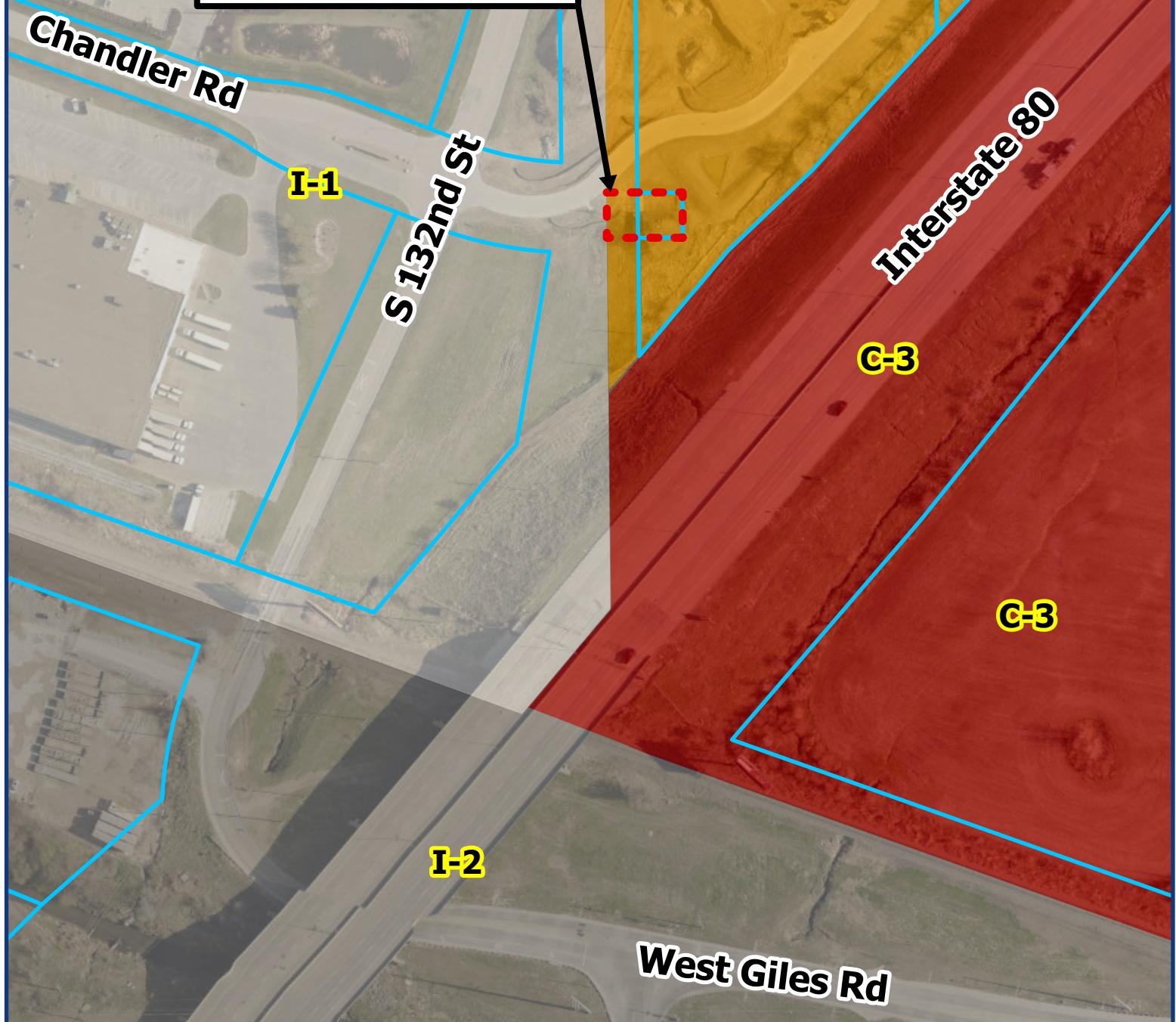
Future Land Use Map Amendment - Steve LaHood App. Exhibit



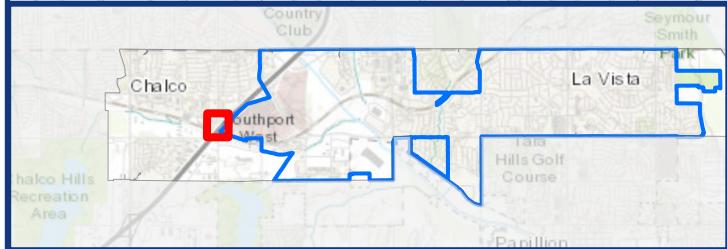
Legend

- La Vista Parcels
- Proposed Amendment Area

Rezone from R-3 High-Density Residential to I-1 Light Industrial



Zoning Map Amendment - Steve LaHood Application Exhibit



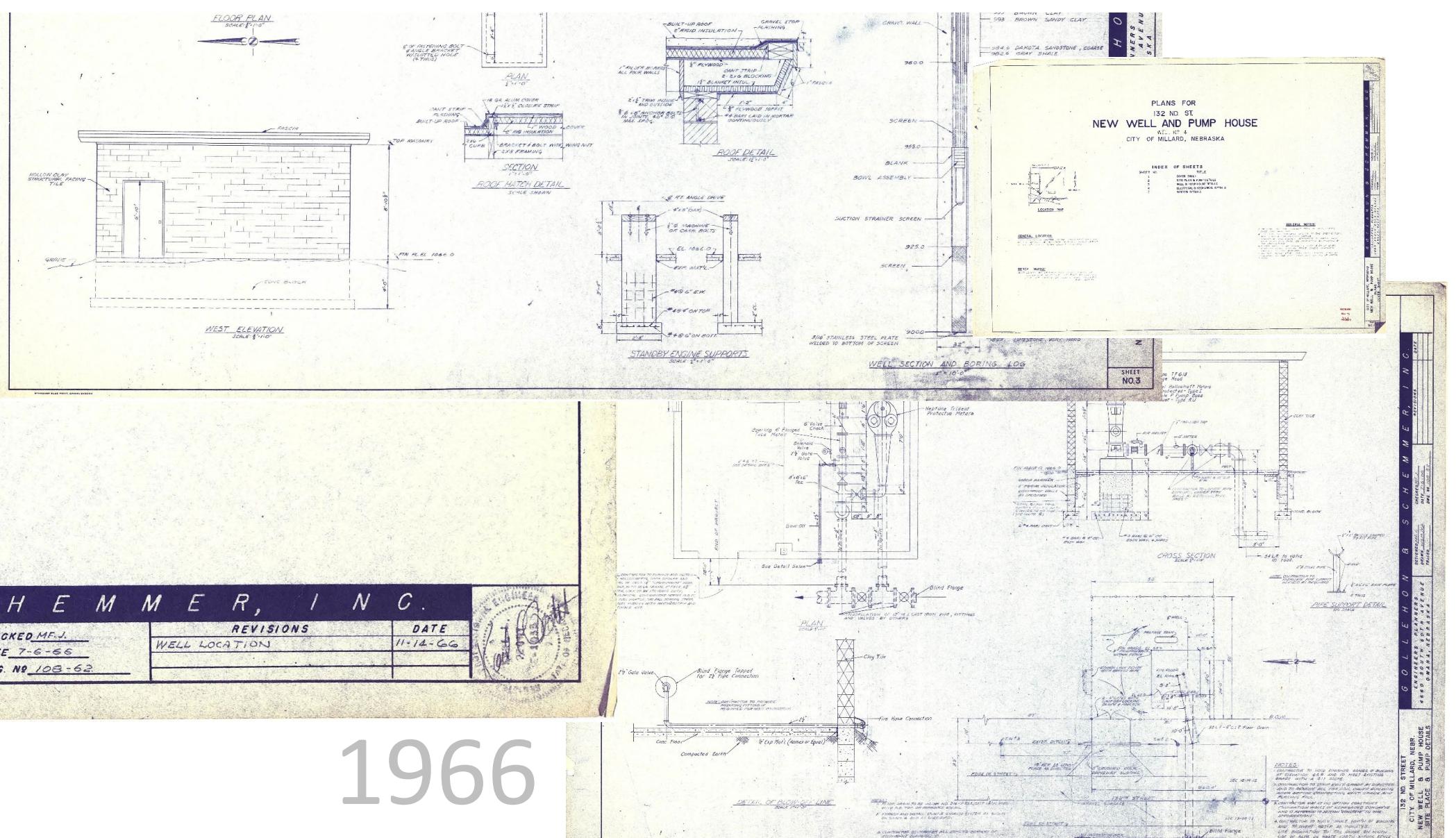
Legend

- La Vista Parcels
- Proposed Rezoning Area

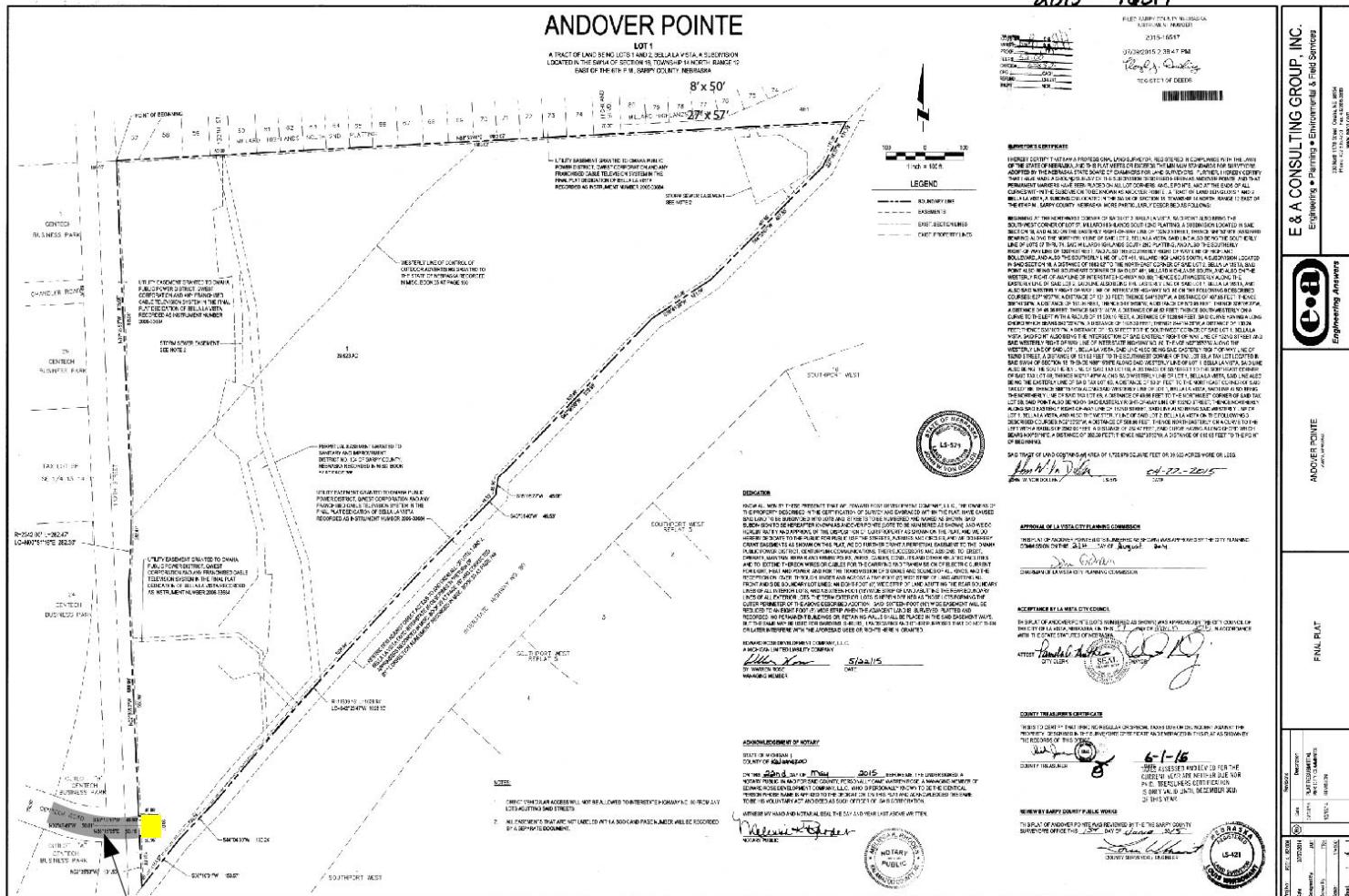


Proposed Renovation/Addition

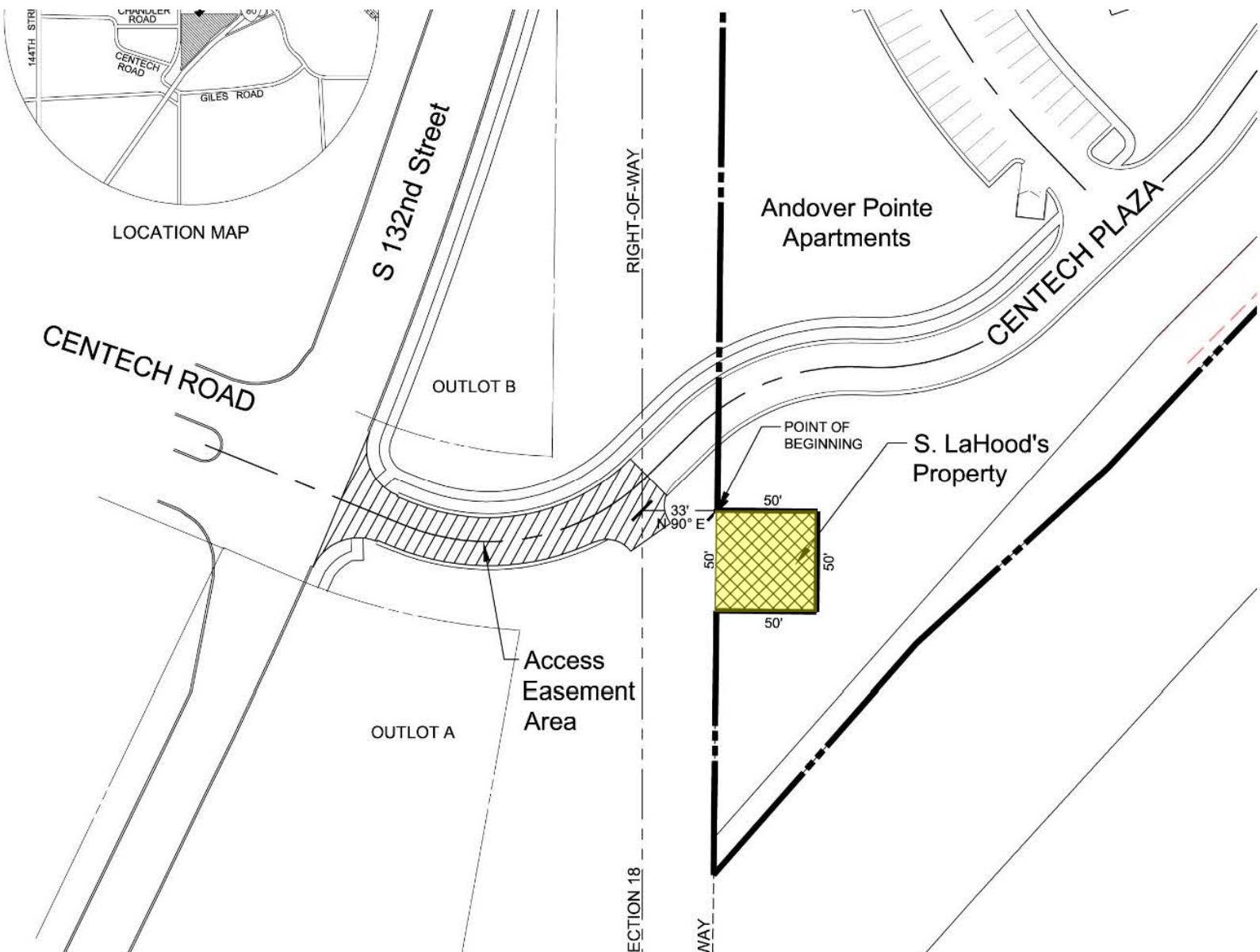
Well House

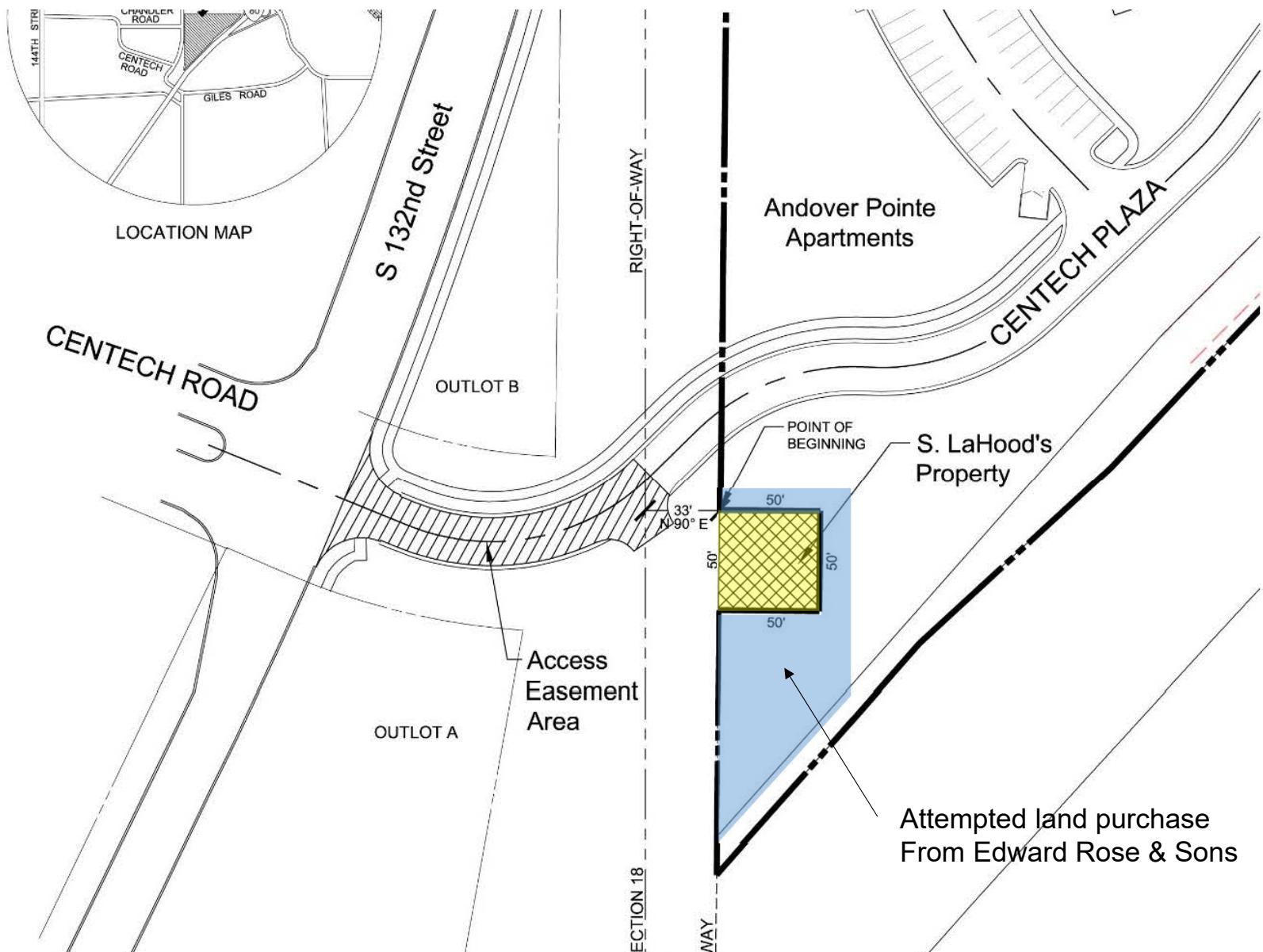


Context/Location



Area of easement





Variances Received by the La Vista Board of Adjustment

- Building setbacks - 35' (or 60') front yard setbacks and 30' side yard setback

- Lot width minimum - 100 ft.

- Lot area of 10,000 sq ft.

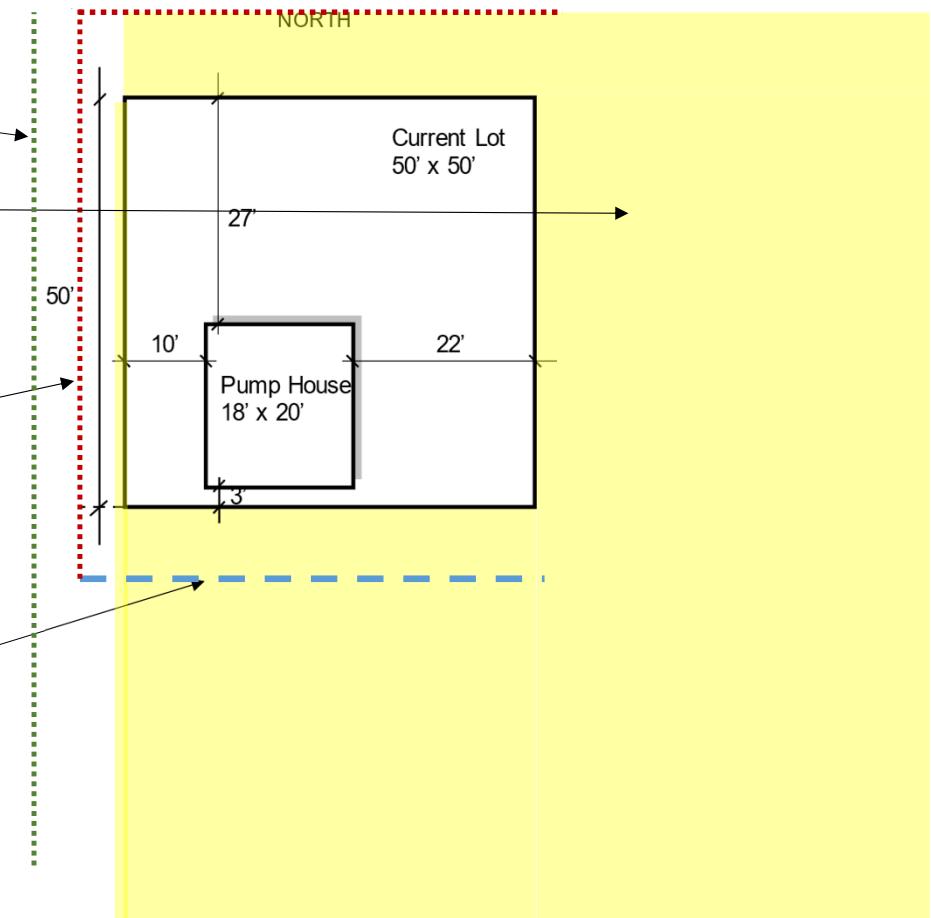
- Section 5.13.06.01. Parking no closer than (30) feet

- Section 7.17.03.02

Required landscaped area of 15' from the property line along all street frontages (variance necessary for west side and north side).

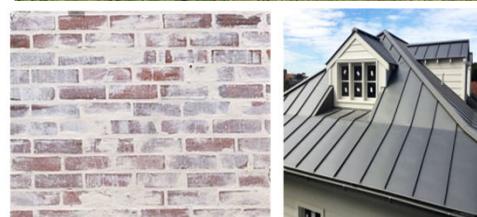
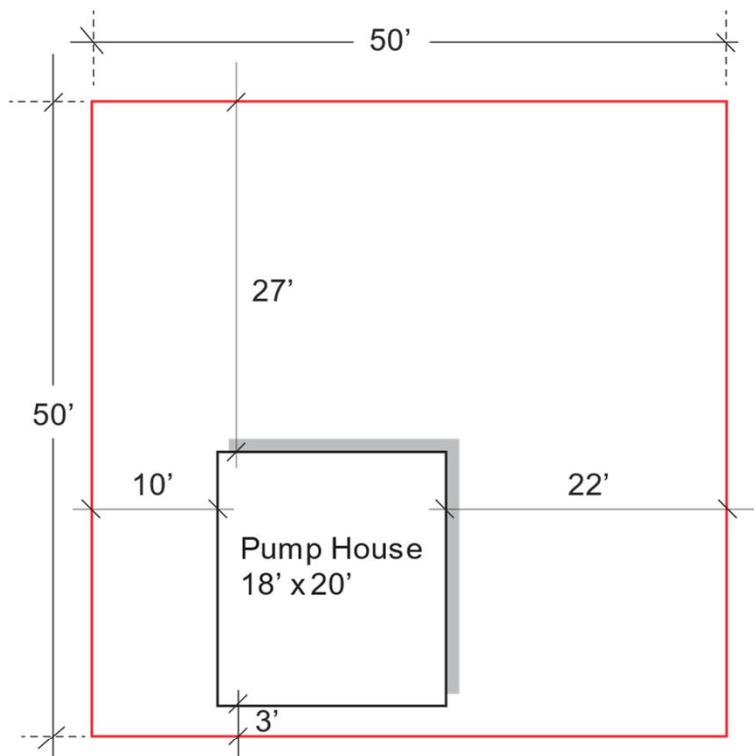
- Section 7.17.03.03

Required landscaping area of 10' from the property line along all side yards (variance necessary for the south side)

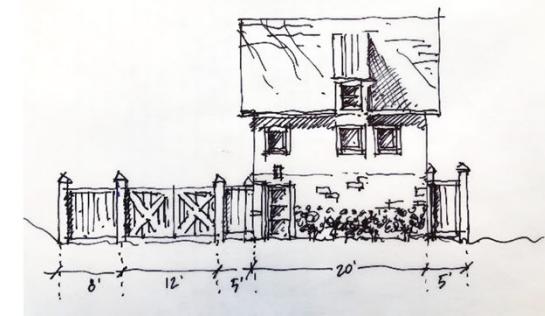


Existing Condition





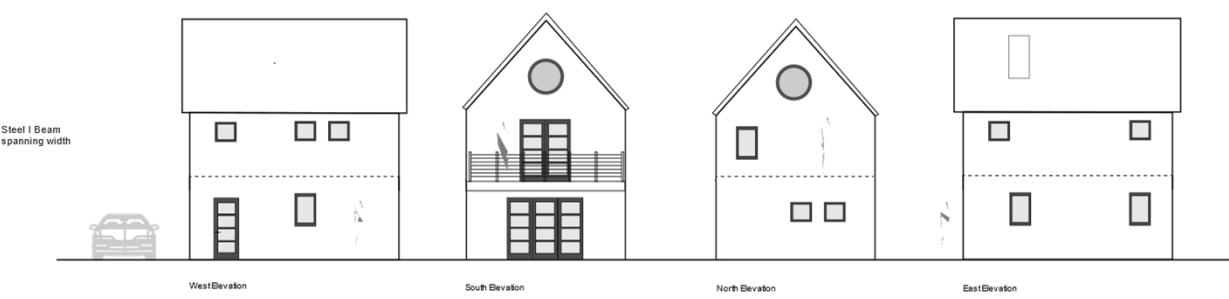
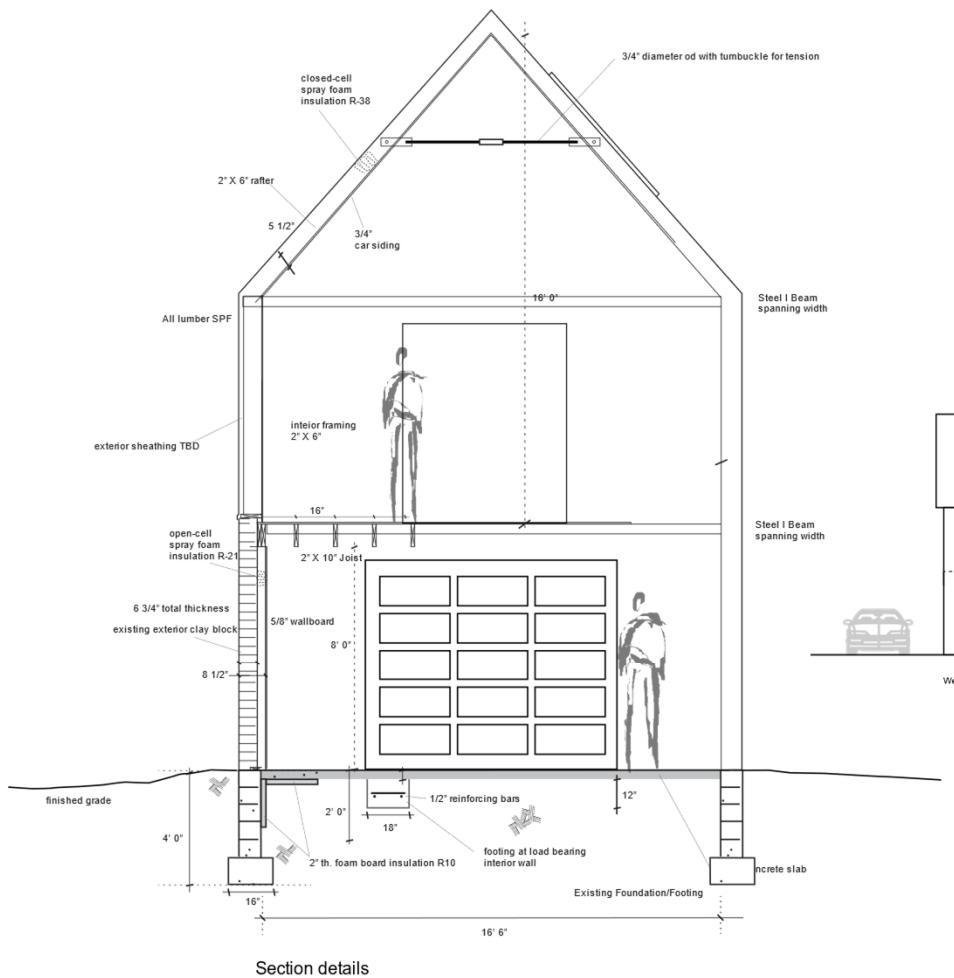
Concept materials/scale

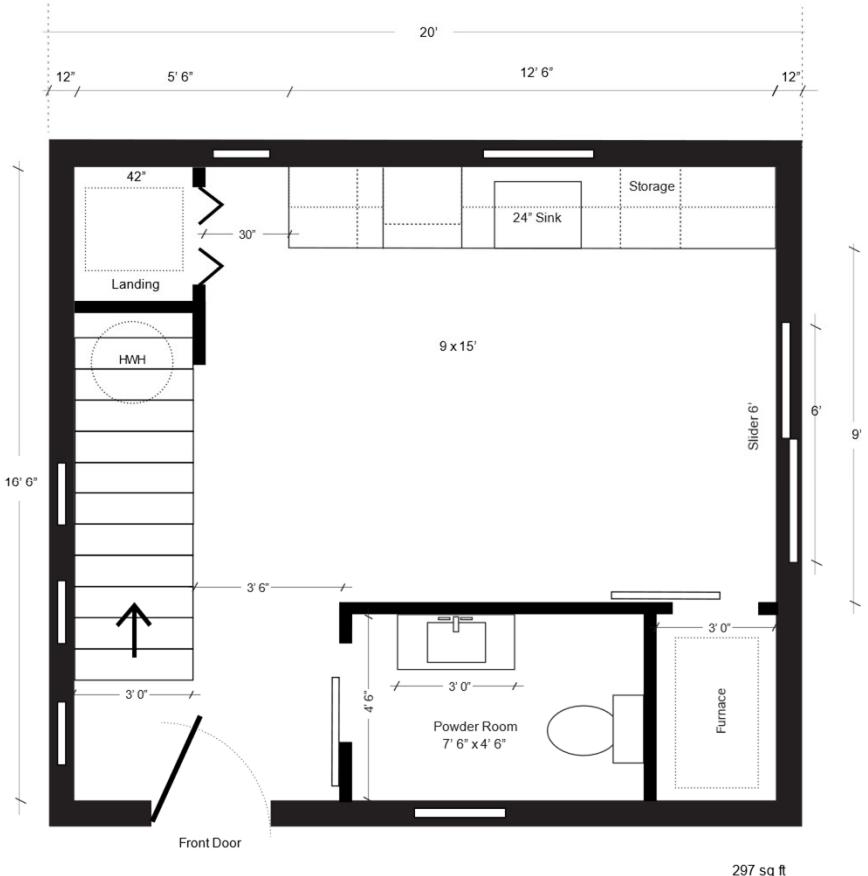




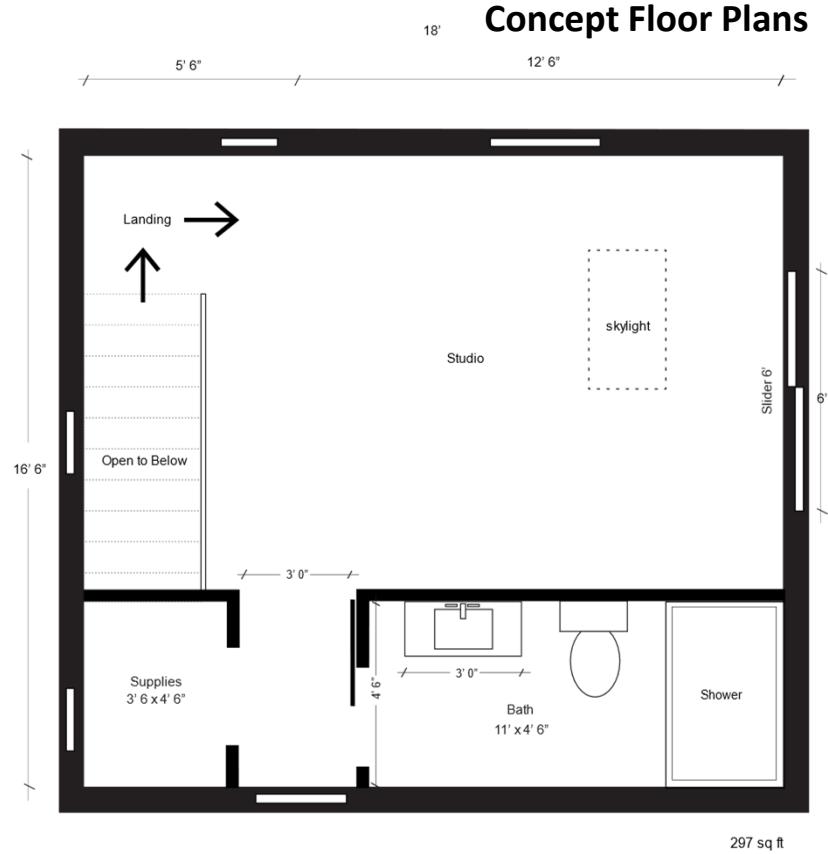


Concept Elevations/details





Ground



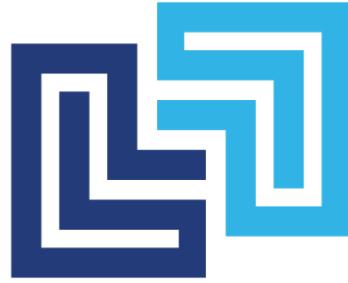
Level 2

Concept Floor Plans

AGENDA ITEM 4C

**Text amendments to Chapter 150 of the La Vista
Municipal Code pertaining to building regulations
and updated building codes**

MEMO



TO: Planning Commission

FROM: Jeff Sinnott, Chief Building Official

DATE: 12/28/2021

RE: Text amendments to Chapter 150 of the La Vista Municipal Code pertaining to building regulations and updated building codes

The Community Development Department is proposing a series of text amendments to Chapter 150 of the La Vista Municipal Code in order to adopt updated building codes and regulations. The City of La Vista regularly adopts updated building codes as new versions are released. Currently, the City of La Vista follows the 2012 International Codes. These proposed amendments will formally adopt the following:

- International Building Code, 2018 Edition (“IBC”) with some supplementary requirements and exemptions
- International Residential Code, 2018 Edition (“IRC”) with some supplementary requirements and exemptions
- International Existing Building Code, 2018 Edition
- International Swimming Pool and Spa Code, 2018 Edition
- International Energy Conservation Code, 2018 Edition
- NFPA 101 Life Safety Code, 2012 Edition
- International Fire Code, 2018 Edition (“IFC”) with some exemptions
- International Mechanical Code, 2018 Edition
- International Property Maintenance Code, 2018 Edition with some supplementary requirements
- International Plumbing Code, 2018 Edition

A copy of the ordinance and a redlined copy displaying most of the proposed amendments are attached.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text amendments.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 150.01, 150.02, 150.03, 150.04 and 15.05 OF THE LA VISTA MUNICIPAL RELATING TO STANDARD CODES AND REGULATION OF BUILDINGS, STRUCTURES, MECHANICAL, PROPERTY MAINTENANCE, PLUMBING, ELECTRICAL AND RELATED WORK, MATERIALS AND REQUIREMENTS: TO REPEAL SECTIONS 105.01, 150.02, 150.03, 150.04 AND 150.05 AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR THE EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AS FOLLOWS:

Section 1: Amendment of Section 150.01. Section 150.01 of the La Vista Municipal Code is hereby amended to read as follows:

§ 150.01 BUILDING CODE.

(A) Portions of standard codes and additional requirements, rules and regulations specified below are hereby adopted as the Building Code of the City of La Vista for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefor. Provisions of the standard codes and additional requirements, rules and regulations adopted herein shall be applied, interpreted and construed together and consistently to the extent possible. Unless otherwise indicated by context or otherwise, references to any table, section or subsection shall mean the corresponding provision of the relevant standard code.

(B) (1) *International Building Code provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the *International Building Code, 2018 Edition*, ("IBC") are on file in the Office of the City Clerk of the City of La Vista. With the exception of portions of § 105.2 preceding § 105.2.1, the following portions of said IBC are hereby adopted: Chapters 1 thru 35 inclusive, and Appendices E, Supplementary Accessibility Requirements, and I, Patio Covers, ("adopted IBC provisions"); and each and all of the regulations, provisions, conditions and terms of such adopted IBC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

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(2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from permit (adopted in lieu of portions of IBC § 105.2 preceding § 105.2.1).* Exemptions from permit requirements of the adopted IBC provisions shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of said adopted IBC provisions or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. *Building:*

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed **79** square feet.
- b. Oil derricks.
- c. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- d. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- e. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- f. Temporary motion picture, television and theater stage sets and scenery.
- g. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep and installed entirely above ground.
- h. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- i. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- j. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and Group U occupancies.
- k. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.

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2. *Electrical:*

- a. *Repairs and maintenance.* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

b. *Radio and television transmitting stations.* Adopted IBC provisions shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

c. *Temporary testing systems.* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

3. *Gas:*

- a. Portable heating appliance.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

4. *Mechanical:*

- a. Portable heating appliance.
- b. Portable ventilation equipment.
- c. Portable cooling unit.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by adopted IBC provisions.
- e. Replacement of any part which does not alter its approval or make it unsafe.
- f. Portable evaporative cooler.
- g. Self-contained refrigeration system containing ten pounds (5 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

5. *Plumbing:*

a. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not

involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) *Any Group "A" occupancies with alcoholic beverages (adopted in addition to those requirements listed in adopted IBC provisions, § 903.2.1.1 through § 903.2.1.5).* An automatic sprinkler system shall be installed throughout any building with any Group "A" exceeding 1,000 square feet and where there is liquor, wine, or beer license issued and/or where the occupants consume alcoholic beverages.

(c) *Criteria (adopted in addition to those requirements listed in adopted IBC provisions, § 1601.1).* The climate and geographical design criteria for building construction in La Vista Nebraska shall be:

1. Ground/snow load 30 lbs psf;
2. Wind speed **115** mph for a three-second gust with exposure "C";
3. Seismic Design Category "B";
4. Weathering probability for concrete "B";
5. Frost line depth 42 inches;
6. Termites, moderate to heavy;
7. Decay, slight to moderate;
8. Winter design temperature, minus five degrees.

(d) *Collapsible soils (adopted in addition to those requirements listed in adopted IBC provisions, § 1804.1 through § 1804.4).* Portions of the Omaha Metro area are underlain by low unit weight soils that can collapse when saturated. Additional studies shall be made to evaluate the presence and extent of the collapsible soils and to assess the effects of any collapsible soils identified at the site on the performance of the structure.

(e) *Markings (adopted in addition to those requirements listed in adopted IBC provisions, § 2303.4.1).* Each truss shall be legibly branded, marked, or otherwise have permanently affixed thereto the following information located within two feet of the center of the span on the face of the bottom chord:

1. Identify the company manufacturing the truss;
2. The design load;
3. The spacing of the truss.

(f) *Vertical support requirements for decks and porches.* Vertical supports for decks and porches shall be wood posts of not less than six inches by six inches in dimension. Underlying footings shall meet the foundation specifications of adopted IBC provisions.

(g) *Rain Water (adopted in addition to those requirements listed in adopted IBC provisions § 1503.5)*

When roofs are sloped to drain over the edge, scuppers or gutters and down spouts, adequately sized, pitched and supported shall be installed to conduct rain water to ground level. Rain water shall be discharged at least three (3) feet away from the building foundation in a direction parallel to the adjoining property line when the discharge point is within twenty (20) feet of the adjoining property line.

Exception: Structures with no sub-grade spaces.

(h) *Permanent Wood Foundation Systems, IBC §1807.1.4, shall be deleted in its entirety.*

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(i) *Timber Footings, IBC §1809.12, shall be deleted in its entirety.*

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(C) (1) *International Residential Code provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the *International Residential Code, 2018 Edition*, ("IRC") are on file in the Office of the City Clerk of the City of La Vista. With the exception of portions of § R105.2 preceding § R105.2.1, and §§ R305.1, R311.7.2, R311.7.8.2, R313.1, R313.1.1, R313.2, R313.2.1, R317.1, R502.6.2, R903.4, R908.1, and R1102.1.2 the following portions of said IRC are hereby adopted: Chapters 1 through 42, inclusive, Chapter 44, and Appendices "F", Radon Control Methods, "H", Patio Covers, "J", Existing Buildings and Structures, and "K", Sound Transmission, ("adopted IRC provisions"); and each and all of the regulations, provisions, conditions and terms of such adopted IRC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from a permit (adopted in lieu of portions of IRC § R105.2 preceding § R105.2.1).* Permits shall not be required for the following. Exemption from the permit requirements of the adopted IRC provisions shall not be deemed to grant authorization for any work to be done in any manner in violation of the adopted IRC provisions or any other laws or ordinances of this jurisdiction.

1. *Building:*

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed **79** square feet.
- b. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- c. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- d. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- e. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
- f. Swings and other playground equipment accessory to a one- or two-family dwelling.
- g. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

2. *Electrical:*

- a. *Repairs and maintenance.* A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

3. *Gas:*

- a. Portable heating, cooking or clothes drying appliances.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- c. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

4. *Mechanical:*

- a. Portable heating appliances.

- b. Portable ventilation appliances.
- c. Portable cooling units.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the adopted IRC provisions.
- e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- f. Portable evaporative coolers.
- g. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
- h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

5. *Plumbing:*

- a. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the adopted IRC provisions.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) Headroom (adopted in lieu of IRC § R311.7.2. The minimum headroom in all parts of the stairway shall not be less than six feet eight inches (2,036 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform. **The Building Official shall have the authority to waive the requirements of this section where pre-existing conditions will not allow the requirement to be met.**

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(c) Continuity (adopted in lieu of IRC § R311.7.8.4).

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- 1. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than one and one-half inch (38 mm) between the wall and the handrail.

2. *Exceptions:*

- a. Handrails shall be permitted to be interrupted by a newel post at the turn.
- b. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.
- c. Handrails for stairways shall be permitted to have no more than a four-inch (102 mm) break due to wall offsets and other ornamental features.

(d) *Townhouse automatic fire sprinkler systems (adopted in lieu of IRC § R313.1)*

- 1. An automatic residential fire sprinkler system is not required to be installed in townhouses.

(e) *Design and installation (adopted in lieu of IRC § R313.1.1)*

- 1. When a non-required automatic residential fire sprinkler is intended to be installed within a townhouse, the system shall be designed and installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R

(f) *One and two family dwellings automatic fire systems (adopted in lieu of IRC § R313.2)*

- 1. An automatic residential fire sprinkler system is not required to be installed in one and two family dwellings.

(g) *Design and installation (adopted in lieu of IRC § R313.2.1)*

- 1. When an automatic residential fire sprinkler system is intended to be installed, it shall be designed and installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R.

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(h) *Location required (adopted in lieu of IRC § R317.1)*. Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of the AWPA U1.

- 1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (456 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground

in crawl spaces or unexcavated area located within the periphery of the building foundation.

2. All wood framing members, sills, or plates that rest on concrete or masonry exterior walls.
3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.
5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than six inches (152 mm) from the ground.
6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.
7. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below grade except where an approved vapor retarder is applied between the wall and the furring strips or framing members.

(i) *Roof drainage (adopted in lieu of IRC § R903.4)*

1. When roof sloped to drain over the edge, scuppers or gutters and down spouts adequately sized, pitched and supported, shall be installed to conduct rainwater to ground level. Rainwater shall be discharged at least three (3) feet away from the building foundation in a direction parallel to adjoining property line.
2. Exception: Structures with no sub-grade spaces.

(j) *Re-covering versus replacement (adopted in lieu of IRC § R908.1)* New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, wood shingles, slate, clay, cement or asbestos-cement tile.

3. Where the existing roof has two or more applications of any type of roof covering.

4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to Section [R905.1](#)

5. *Exceptions:*

a. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.

b. Installation of metal panel, metal shingle, and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with [§ R908.4](#).

c. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.

d. Where the existing

(k) *U-factor alternative (adopted in lieu of IRC § N1102.1.2).*

1. An assembly with a U-factor equal to or less than that specified in Table [N1102.1.4](#) shall be permitted as an alternative to the R-value in Table [N1102.1.2](#).

2. *Exception:* For mass walls not meeting the criterion for insulation location in [§ N1102.2.5](#), the U-factor shall be permitted to be:

a. U-factor of 0.17 in Climate Zone 1.

b. U-factor of 0.14 in Climate Zone 2.

c. U-factor of 0.12 in Climate Zone 3.

d. U-factor of 0.10 in Climate Zone 4 except Marine.

e. U-factor of 0.082 in Climate Zone 5 and Marine 4.

f. Single-family dwellings, two-family dwellings and townhomes with a window to wall ratio greater than 15% must conform to the State of Nebraska Energy Code.

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(D) *International Existing Building Code adopted by reference.* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Existing Building Code, 2018* Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Existing Building Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(E) *International Swimming Pool And Spa Code adopted by reference.* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Swimming Pool And Spa Code, 2018* Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Swimming Pool And Spa Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(F) *International Energy Conservation Code adopted by reference.* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Energy Conservation Code, 2018* Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Energy Conservation Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(G) *Life Safety Code adopted by reference.*

(1) *NFPA 101 Life Safety Code 2012 Edition adopted.* Certain documents in book or pamphlet form, two copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *NFPA 101 Life Safety Code, 2012 Edition* ("LSC"), modified as described below, are hereby incorporated herein and adopted, and each and all of the regulations, provisions, conditions and terms of such LSC, and all amendments, revisions or editions thereto on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, incorporated, adopted and made a part hereof as if fully set out herein. The LSC is hereby adopted as amended, altered, modified and changed in the following respects:

(a) All provisions set forth within the **Nebraska Administrative Code Title 153 – State Fire Marshal** shall control except for those provisions set forth in Title 153, Chapter 20 – "Fees for Inspection for Fire Safety," which fees instead shall be as determined and set forth from time to time by the Mayor and City Council in the La Vista Master Fee Ordinance.

(H) *International Fire Code adopted by reference.*

(1) *International Fire Code 2018 Edition adopted.* Certain documents in book or pamphlet form, two copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Fire Code, 2018 Edition* ("IFC"), modified as described below, are hereby incorporated herein and adopted, and each and all of the regulations, provisions, conditions and terms of such IFC, and all amendments, revisions or editions thereto on file in the Office of the City Clerk of the City of La Vista, are hereby referred

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to, incorporated, adopted and made a part hereof as if fully set out herein. The IFC is hereby adopted as amended, altered, modified and changed in the following respects:

- (a) Specifically adopted are:
 - i. The IFC, Chapters 1 through 67, inclusive, and Chapter 80.
 - ii. The IFC, Appendices B, E, F, G, H, and I.
- (b) Specifically not adopted are the IFC, Appendices A, C, D, J, **K, L, M, and N**
- (c) The IFC shall apply to the construction, alteration, enlargement, replacement or repair of all buildings and structures, and any new construction required as a result of moving any building.
- (d) Amendments.
 - i. **101.1 Title.** These provisions shall be known as the International Fire Code of the City of La Vista, Sarpy County, Nebraska, and shall be cited as such and will be referred to herein as "this code."
 - ii. **Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces**
(Page 46-47) Sections 307.1 through 307.5 of the IFC are hereby deleted in their entirety. Sections 307.6 through 307.7 are hereby added as set forth below:

(1) 307.6 Definitions.

(A) For the purposes of this section, the following terms shall have the meanings indicated:

OPEN BURNING

Using fire to burn material which is not contained within a fully enclosed firebox or structure and from which the products of combustion are permitted directly to the open atmosphere without passing through a stack, duct or chimney or burning that is conducted in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings not larger than 1/4 inch square. Charcoal fires, or fire of other commonly accepted cooking fuels, which are contained within a manufactured hibachi, grill, smoker or gas grill, do not constitute open burning.

(2) 307.7 General. Except as otherwise provided herein or elsewhere in the Municipal Code, no person, firm or corporation shall burn or cause to be burned any material, item or thing within the City limits or within its two mile extraterritorial jurisdiction in any residential or commercially developed areas.

Exceptions.

1. This section shall not apply to and no permit shall be required for any burning which is necessary for the usual and customary preparation and/or cooking of food, including the use of normal barbecuing devices.
2. The Fire Chief or designee may waive the open burning ban under this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief or designee to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief or designee and on a form approved by the State Fire Marshal.
3. The Fire Chief or designee may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the Fire Chief or designee.
4. The burning of dry wood in a small container manufactured for the purpose of containing small recreational fires may be allowed on the property of one- or two-family residential dwellings, in accordance with the following standards:
 - 4.1 Such fires shall be under constant supervision while burning.
 - 4.2 The fire and/or burning must be of such limited size as to allow the person in charge to have complete control over it.
 - 4.3 The fire and/or burning must not create a nuisance or a hazard to the health or the safety of persons or property in the area. Fires producing smoke that is a nuisance shall be extinguished. The Fire Chief or designee is authorized to order the extinguishment by the attendant in charge or by the Fire Department of open burning that creates or adds to a hazardous or objectionable situation.
 - 4.4 The burning of garbage, trash, leaves or other refuse shall not be permitted.
 - 4.5 The burning or igniting of highly flammable, toxic or explosive materials shall not be permitted.

iii. **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

iv. **503.2.7 Grade.** The grade of the fire apparatus access road shall be a maximum of 10% or within the limits established by the fire code official based on the fire department's apparatus.

v. **510.1 Emergency responder radio coverage in new buildings.** New buildings shall have *approved* radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication system utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety systems.

Exceptions:

1. Where approved by the building official and the fire code official a wired communication system in accordance with Section 907.2.12.2 shall be permitted to be installed or maintained instead of an approved of an approved radio system.
2. Where it is determined by the fire code official that the radio coverage is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. Any new buildings under 35,000 square feet.

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vi. **903.2.8 Group R.**

Exceptions: A sprinkler system is not required when all of the following conditions exist:

1. The building is R-2 occupancy and contains eight or fewer apartment units.
2. Separation is maintained between living units by means of one-hour fire partitions creating a complete vertical separation from foundation to roof.
3. Each living unit has its own separate exit access independent of other living units.

vii **1103.2 Emergency responder radio coverage in existing buildings.** Existing buildings other than Group R-3, that do not have approved radio coverage for emergency responders in the building based on existing coverage for levels of the public safety communication systems, shall be equipped with such coverage according to one of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with Section 510.1, Exception 1
2. Within a time frame established by the adopting authority.

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Exceptions:

1. Where it is deemed by the fire code official that the radio coverage system is not needed.
2. If the building or structure is under 35,000 square feet

viii **CHAPTER 56 Explosives and Fireworks.**

Sections 5601.1 through 5609.1 of the International Fire Code are hereby deleted in their entirety. Section 5610.1 is hereby added as set forth below:

5610.1 General. The possession, storage, sale, handling, and use of 'consumer fireworks,' shall meet the requirements defined by, *Neb. Rev. Stat. §§ 28-1241* as amended, and applicable provisions of the La Vista Municipal Code."

(I) Uniform Code for the Abatement of Dangerous Buildings adopted by reference.

Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the Uniform Code for the Abatement of Dangerous Buildings, 1985 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such Uniform Code for the Abatement of Dangerous Buildings, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

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(J) Unsafe Buildings. In addition to any applicable provisions of the Building Code, the Municipal Code or other laws, regulations or rules, all buildings and structures existing in violation of any provisions of the International Building Code, International Fire Code or NFPA Life Safety Code 101, as adopted in this Section 150.01, upon determination by an applicable enforcement official that the violation represents a significant risk of damage or loss to persons or property, shall constitute an unsafe building or structure.

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SECTION 2. Amendment of Section 150.02. Section 150.02 of the La Vista Municipal Code is hereby amended to read as follows:

“§ 150.02 MECHANICAL CODE. The standard codes specified below are hereby adopted as the Mechanical Code of the City of La Vista to regulate and provide complete and certain minimum standards, provisions and requirements for the design, construction, installation quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat producing appliances, as well as the design and installation of fuel gas systems and gas-fired appliances through requirements that emphasize performance, within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore.

(A) *International Mechanical Code adopted by reference.* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Mechanical Code, 2018* Edition, including all appendices, published by the International Code Council, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Mechanical Code, 2018* Edition, and all appendices, amendments, revisions

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or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(B) International Fuel Gas Code adopted by reference. Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the International Fuel Gas Code, 2018 Edition, including all appendices, published by the International Code Council, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such International Fuel Gas Code, 2018 Edition, and all appendices, amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out in herein."

SECTION 3. Amendment of Section 150.03. Section 150.03 of the La Vista Municipal Code is hereby amended to read as follows:

§150.03 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.

Certain documents in book form, two copies of which are on file in the office of the City Clerk of the city of La Vista and being marked and designated as International Property Maintenance Code, 2018 Edition, prepared by the International Code Council, and all amendments, revisions or editions be, and the same are, hereby adopted as the Property Maintenance Code of the city of La Vista regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the city of La Vista; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, 2018 Edition, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the city of La Vista are hereby referred to, adopted and made a part hereof as it fully set out in this section.

(1) *Additional requirements, rules and regulations adopted.*

(a) *Windows, skylight and door frames (adopted in addition to IPMC §304.13)*

304.13.3 Whenever there has been damage to non-structural building elements of a vacant residence, see Section 108.2, the owner of such property (in addition to any obligation under the IPMC) is required to immediately secure and ensure the continued security of such structure. To specify and not limit the immediately preceding sentence, any such structure that has windows, skylights, or doors covered to secure the building due to damage of windows, skylights, doors or door frames, may only be allowed to cover the damaged openings for a period of sixty (60) days. After such time the owner will then make permanent corrections to the openings within the time specified by the Building Official pursuant to IPMC Section 304.18.4. If any openings are not secured or corrected in accordance with IPMC Section 304.13.3 or 304.18.4, the Building Official is authorized to perform such work or cause such work to be performed, by any available means, including without limitation, contracting with any public or private person, entity, or agency. The property owner shall be liable for the costs of such work, and such costs shall constitute a lien on the real estate upon which the structure is located, which costs and lien may be collected, foreclosed

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~~or otherwise pursued by the Building Official or the Building Official's designee using any available legal or equitable means or remedies. Any action or exercise of authority by or at the direction of the Building Official pursuant to this Section 304.13.3 shall be carried out in accordance with applicable laws. Provisions of this Section 304.13.3 shall apply, notwithstanding any other provisions of the IPMC to the contrary.~~

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(b) Vacant structures (adopted in addition to IPMC § 304.18)

~~304.18.4 Whenever there has been damage to non-structural building elements of a vacant residence, see Section 108.2, the owner of any such property (in addition to any obligation under the IPMC to secure such structure) shall obtain a building permit and correct all such damage and any other violations specified in the Notice or Order to correct issued by the Building Official. All work shall be completed within the time specified in the Notice or Order, which shall be no later than six months after such Notice or Order is issued. If the work is not completed within the applicable time, the Building Official is authorized to perform such work or cause such work to be performed by any available means, including without limitation, contracting with any public or private person, entity, or agency. The property owner shall be liable for the costs of such work, and such costs shall constitute a lien on the real estate upon which the structure is located, which costs and lien may be collected, foreclosed or otherwise pursued by the Building Official or the Building Official's designee using any available legal or equitable means or remedies. Any action or exercise of authority by or at the direction of the Building Official pursuant to this Section 304.18.4 shall be carried out in accordance with applicable laws. Provisions of this Section 304.18.4 shall apply, notwithstanding any other provisions of the IPMC to the contrary.”~~

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SECTION 4. Amendment of Section 150.04. Section 150.04 of the La Vista Municipal Code is hereby amended to read as follows:

“§ 150.04 PLUMBING CODE ADOPTED BY REFERENCE.

Certain documents in book form, two(2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Plumbing Code, 2018* Edition, including Appendix "E", Sizing of Water Piping System, and Appendix "G", Structural Safety, are hereby adopted as the Plumbing Code of the City of La Vista to regulate and provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and plumbing related work within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Plumbing Code, 2018* Edition, and specified appendices, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.”

SECTION 5. Amendment of Section 150.05. Section 150.05 of the La Vista Municipal Code is hereby amended to read as follows:

“§ 150.05 ELECTRICAL CODE ADOPTED BY REFERENCE.

Certain documents in book form, two(2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *National Electric Code, 2017* Edition, including amendments thereto recommended by the National Fire Protection Association and published by the National Fire Protection Association, 2017 Edition, are hereby adopted as the Electrical Code of the City of La Vista to regulate and provide complete and certain

minimum standards, provisions and requirements for electrical wiring of buildings, structures, machinery and equipment for light and power, safe and fireproof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *National Electric Code, 2017* Edition, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein."

Section 6. Repeal. Sections 150.01, 150.02, 150.03, 150.04, and 150.05 and all other ordinances and any parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

Section 7. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 8. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in book or pamphlet form or as otherwise provided by law.

PASSED AND APPROVED this _____ day of _____, 2021.

CITY OF LA VISTA,

DOUGLAS KINDIG, MAYOR

Attest:

PAMELA BUETHE, City Clerk

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ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 150.01, 150.02, 150.03, 150.04 and 15.05 OF THE LA VISTA MUNICIPAL RELATING TO STANDARD CODES AND REGULATION OF BUILDINGS, STRUCTURES, MECHANICAL, PROPERTY MAINTENANCE, PLUMBING, ELECTRICAL AND RELATED WORK, MATERIALS AND REQUIREMENTS: TO REPEAL SECTIONS 105.01, 150.02, 150.03 150.04 AND 150.05 AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR THE EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AS FOLLOWS:

Section 1: Amendment of Section 150.01. Section 150.01 of the La Vista Municipal Code is hereby amended to read as follows:

§ 150.01 BUILDING CODE.

(A) Portions of standard codes and additional requirements, rules and regulations specified below are hereby adopted as the Building Code of the City of La Vista for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefor. Provisions of the standard codes and additional requirements, rules and regulations adopted herein shall be applied, interpreted and construed together and consistently to the extent possible. Unless otherwise indicated by context or otherwise, references to any table, section or subsection shall mean the corresponding provision of the relevant standard code.

(B) (1) *International Building Code provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the *International Building Code*, 2018 Edition, ("IBC") are on file in the Office of the City Clerk of the City of La Vista. With the exception of portions of § 105.2 preceding § 105.2.1, the following portions of said IBC are hereby adopted: Chapters 1 thru 35 inclusive, and Appendices "E", Supplementary Accessibility Requirements, and "I", Patio Covers, ("adopted IBC provisions"); and each and all of the regulations, provisions, conditions and terms of such adopted IBC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from permit (adopted in lieu of portions of IBC § 105.2 preceding § 105.2.1).* Exemptions from permit requirements of the adopted IBC provisions shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of said adopted IBC provisions or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. *Building:*

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 79 square feet.
- b. Oil derricks.
- c. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- d. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- e. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- f. Temporary motion picture, television and theater stage sets and scenery.
- g. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep and installed entirely above ground.
- h. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- i. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- j. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and Group U occupancies.
- k. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.

2. *Electrical:*

- a. *Repairs and maintenance.* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

b. *Radio and television transmitting stations.* Adopted IBC provisions shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

c. *Temporary testing systems.* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

3. *Gas:*

- a. Portable heating appliance.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

4. *Mechanical:*

- a. Portable heating appliance.
- b. Portable ventilation equipment.
- c. Portable cooling unit.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by adopted IBC provisions.
- e. Replacement of any part which does not alter its approval or make it unsafe.
- f. Portable evaporative cooler.
- g. Self-contained refrigeration system containing ten pounds (5 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

5. *Plumbing:*

a. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not

involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) *Any Group "A" occupancies with alcoholic beverages (adopted in addition to those requirements listed in adopted IBC provisions, § 903.2.1.1 through § 903.2.1.5). An automatic sprinkler system shall be installed throughout any building with any Group "A" exceeding 1,000 square feet and where there is liquor, wine, or beer license issued and/or where the occupants consume alcoholic beverages.*

(c) *Criteria (adopted in addition to those requirements listed in adopted IBC provisions, § 1601.1). The climate and geographical design criteria for building construction in La Vista Nebraska shall be:*

1. Ground/snow load 30 lbs psf;
2. Wind speed 115 mph for a three-second gust with exposure "C";
3. Seismic Design Category "B";
4. Weathering probability for concrete "B";
5. Frost line depth 42 inches;
6. Termites, moderate to heavy;
7. Decay, slight to moderate;
8. Winter design temperature, minus five degrees.

(d) *Collapsible soils (adopted in addition to those requirements listed in adopted IBC provisions, § 1804.1 through § 1804.4). Portions of the Omaha Metro area are underlain by low unit weight soils that can collapse when saturated. Additional studies shall be made to evaluate the presence and extent of the collapsible soils and to assess the effects of any collapsible soils identified at the site on the performance of the structure.*

(e) *Markings (adopted in addition to those requirements listed in adopted IBC provisions, § 2303.4.1). Each truss shall be legibly branded, marked, or otherwise have permanently affixed thereto the following information located within two feet of the center of the span on the face of the bottom chord:*

1. Identify the company manufacturing the truss;
2. The design load;
3. The spacing of the truss.

(f) *Vertical support requirements for decks and porches.* Vertical supports for decks and porches shall be wood posts of not less than six inches by six inches in dimension. Underlying footings shall meet the foundation specifications of adopted IBC provisions.

(g) *Rain Water (adopted in addition to those requirements listed in adopted IBC provisions § 1503.5)*

When roofs are sloped to drain over the edge, scuppers or gutters and down spouts, adequately sized, pitched and supported shall be installed to conduct rain water to ground level. Rain water shall be discharged at least three (3) feet away from the building foundation in a direction parallel to the adjoining property line when the discharge point is within twenty (20) feet of the adjoining property line.

Exception; Structures with no sub-grade spaces.

(h) *Permanent Wood Foundation Systems*, IBC §1807.1.4, shall be deleted in its entirety.

(i) *Timber Footings*, IBC §1809.12, shall be deleted in its entirety.

(C) (1) *International Residential Code provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the *International Residential Code*, 2018 Edition, ("IRC") are on file in the Office of the City Clerk of the City of La Vista. With the exception of portions of § R105.2 preceding § R105.2.1, and §§ R305.1, R311.7.2, R311.7.8.2, R313.1, R313.1.1, R313.2, R313.2.1, R317.1, R502.6.2, R903.4, R908.1, and R1102.1.2 the following portions of said IRC are hereby adopted: Chapters 1 through 42, inclusive, Chapter 44, and Appendices "F", Radon Control Methods, "H", Patio Covers, "J", Existing Buildings and Structures, and "K", Sound Transmission, ("adopted IRC provisions"); and each and all of the regulations, provisions, conditions and terms of such adopted IRC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from a permit (adopted in lieu of portions of IRC § R105.2 preceding § R105.2.1).* Permits shall not be required for the following. Exemption from the permit requirements of the adopted IRC provisions shall not be deemed to grant authorization for any work to be done in any manner in violation of the adopted IRC provisions or any other laws or ordinances of this jurisdiction.

1. *Building:*

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 79 square feet.
- b. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- c. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- d. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- e. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
- f. Swings and other playground equipment accessory to a one- or two-family dwelling.
- g. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

2. *Electrical:*

- a. *Repairs and maintenance.* A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

3. *Gas:*

- a. Portable heating, cooking or clothes drying appliances.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- c. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

4. *Mechanical:*

- a. Portable heating appliances.

- b. Portable ventilation appliances.
- c. Portable cooling units.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the adopted IRC provisions.
- e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- f. Portable evaporative coolers.
- g. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
- h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

5. *Plumbing:*

- a. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the adopted IRC provisions.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) *Headroom (adopted in lieu of IRC § R311.7.2).* The minimum headroom in all parts of the stairway shall not be less than six feet eight inches (2,036 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform. The Building Official shall have the authority to waive the requirements of this section where pre-existing conditions will not allow the requirement to be met.

(c) *Continuity (adopted in lieu of IRC § R311.7.8.4).*

1. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than one and one-half inch (38 mm) between the wall and the handrail.

2. *Exceptions:*

- a. Handrails shall be permitted to be interrupted by a newel post at the turn.
- b. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.
- c. Handrails for stairways shall be permitted to have no more than a four-inch (102 mm) break due to wall offsets and other ornamental features.

(d) *Townhouse automatic fire sprinkler systems (adopted in lieu of IRC § R313.1)*

1. An automatic residential fire sprinkler system is not required to be installed in townhouses.

(e) *Design and installation (adopted in lieu of IRC § R313.1.1)*

1. When a non-required automatic residential fire sprinkler is intended to be installed within a townhouse, the system shall be designed and installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R

(f) *One and two family dwellings automatic fire systems (adopted in lieu of IRC § R313.2)*

1. An automatic residential fire sprinkler system is not required to be installed in one and two family dwellings.

(g) *Design and installation (adopted in lieu of IRC § R313.2.1)*

1. When an automatic residential fire sprinkler system is intended to be installed, it shall be designed and installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R.

(h) *Location required (adopted in lieu of IRC § R317.1)*. Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of the AWPA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (456 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground

in crawl spaces or unexcavated area located within the periphery of the building foundation.

2. All wood framing members, sills, or plates that rest on concrete or masonry exterior walls.

3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.

4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.

5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than six inches (152 mm) from the ground.

6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

7. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below grade except where an approved vapor retarder is applied between the wall and the furring strips or framing members.

(i) *Roof drainage (adopted in lieu of IRC § R903.4)*

1. When roof sloped to drain over the edge, scuppers or gutters and down spouts adequately sized, pitched and supported, shall be installed to conduct rainwater to ground level. Rainwater shall be discharged at least three (3) feet away from the building foundation in a direction parallel to adjoining property line.
2. Exception: Structures with no sub-grade spaces.

(j) *Re-covering versus replacement (adopted in lieu of IRC § R908.1)*. New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.

2. Where the existing roof covering is wood shake, wood shingles, slate, clay, cement or asbestos-cement tile.

3. Where the existing roof has two or more applications of any type of roof covering.

4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to Section R905.1

5. *Exceptions:*

a. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.

b. Installation of metal panel, metal shingle, and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with § R908.4.

c. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.

d. Where the existing

(k) *U-factor alternative (adopted in lieu of IRC § N1102.1.2).*

1. An assembly with a U-factor equal to or less than that specified in Table N1102.1.4 shall be permitted as an alternative to the R-value in Table N1102.1.2

2. *Exception:* For mass walls not meeting the criterion for insulation location in § N1102.2.5, the U-factor shall be permitted to be:

a. U-factor of 0.17 in Climate Zone 1.

b. U-factor of 0.14 in Climate Zone 2.

c. U-factor of 0.12 in Climate Zone 3.

d. U-factor of 0.10 in Climate Zone 4 except Marine.

e. U-factor of 0.082 in Climate Zone 5 and Marine 4.

f. Single-family dwellings, two-family dwellings and townhomes with a window to wall ratio greater than 15% must conform to the State of Nebraska Energy Code.

(D) *International Existing Building Code adopted by reference.* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Existing Building Code*, 2018 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Existing Building Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(E) *International Swimming Pool And Spa Code adopted by reference.* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Swimming Pool And Spa Code*, 2018 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Swimming Pool And Spa Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(F) *International Energy Conservation Code adopted by reference.* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Energy Conservation Code*, 2018 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Energy Conservation Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(G) *Life Safety Code adopted by reference.*

(1) *NFPA 101 Life Safety Code 2012 Edition adopted.* Certain documents in book or pamphlet form, two copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *NFPA 101 Life Safety Code*, 2012 Edition ("LSC"), modified as described below, are hereby incorporated herein and adopted, and each and all of the regulations, provisions, conditions and terms of such LSC, and all amendments, revisions or editions thereto on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, incorporated, adopted and made a part hereof as if fully set out herein. The LSC is hereby adopted as amended, altered, modified and changed in the following respects:

(a) All provisions set forth within the **Nebraska Administrative Code Title 153 – State Fire Marshal** shall control except for those provisions set forth in Title 153, Chapter 20 – "Fees for Inspection for Fire Safety," which fees instead shall be as determined and set forth from time to time by the Mayor and City Council in the La Vista Master Fee Ordinance.

(H) *International Fire Code adopted by reference.*

(1) *International Fire Code 2018 Edition adopted.* Certain documents in book or pamphlet form, two copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Fire Code*, 2018 Edition ("IFC"), modified as described below, are hereby incorporated herein and adopted, and each and all of the regulations, provisions, conditions and terms of such IFC, and all amendments, revisions or editions thereto on file in the Office of the City Clerk of the City of La Vista, are hereby referred

to, incorporated, adopted and made a part hereof as if fully set out herein. The IFC is hereby adopted as amended, altered, modified and changed in the following respects:

- (a) Specifically adopted are:
 - i. The IFC, Chapters 1 through 67, inclusive, and Chapter 80.
 - ii. The IFC, Appendices B, E, F, G, H, and I.
- (b) Specifically not adopted are the IFC, Appendices A, C, D, J, K, L, M, and N
- (c) The IFC shall apply to the construction, alteration, enlargement, replacement or repair of all buildings and structures, and any new construction required as a result of moving any building.
- (d) Amendments.
 - i. **101.1 Title.** These provisions shall be known as the International Fire Code of the City of La Vista, Sarpy County, Nebraska, and shall be cited as such and will be referred to herein as "this code."
 - ii. **Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces**
(Page 46-47) Sections 307.1 through 307.5 of the IFC are hereby deleted in their entirety. Sections 307.6 through 307.7 are hereby added as set forth below:
 - (1) **307.6 Definitions.**
 - (A) For the purposes of this section, the following terms shall have the meanings indicated:

OPEN BURNING

Using fire to burn material which is not contained within a fully enclosed firebox or structure and from which the products of combustion are permitted directly to the open atmosphere without passing through a stack, duct or chimney or burning that is conducted in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings not larger than 1/4 inch square. Charcoal fires, or fire of other commonly accepted cooking fuels, which are contained within a manufactured hibachi, grill, smoker or gas grill, do not constitute open burning.

(2) **307.7 General.** Except as otherwise provided herein or elsewhere in the Municipal Code, no person, firm or corporation shall burn or cause to be burned any material, item or thing within the City limits or within its two mile extraterritorial jurisdiction in any residential or commercially developed areas.

Exceptions.

1. This section shall not apply to and no permit shall be required for any burning which is necessary for the usual and customary preparation and/or cooking of food, including the use of normal barbecuing devices.
2. The Fire Chief or designee may waive the open burning ban under this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief or designee to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief or designee and on a form approved by the State Fire Marshal.
3. The Fire Chief or designee may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the Fire Chief or designee.
4. The burning of dry wood in a small container manufactured for the purpose of containing small recreational fires may be allowed on the property of one- or two-family residential dwellings, in accordance with the following standards:
 - 4.1 Such fires shall be under constant supervision while burning.
 - 4.2 The fire and/or burning must be of such limited size as to allow the person in charge to have complete control over it.
 - 4.3 The fire and/or burning must not create a nuisance or a hazard to the health or the safety of persons or property in the area. Fires producing smoke that is a nuisance shall be extinguished. The Fire Chief or designee is authorized to order the extinguishment by the attendant in charge or by the Fire Department of open burning that creates or adds to a hazardous or objectionable situation.
 - 4.4 The burning of garbage, trash, leaves or other refuse shall not be permitted.
 - 4.5 The burning or igniting of highly flammable, toxic or explosive materials shall not be permitted.

iii. **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

iv. **503.2.7 Grade.** The grade of the fire apparatus access road shall be a maximum of 10% or within the limits established by the fire code official based on the fire department's apparatus.

v. **510.1 Emergency responder radio coverage in new buildings.** New buildings shall have *approved* radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication system utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety systems.

Exceptions:

1. Where approved by the building official and the fire code official a wired communication system in accordance with Section 907.2.12.2 shall be permitted to be installed or maintained instead of an approved of an approved radio system.
2. Where it is determined by the fire code official that the radio coverage is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. Any new buildings under 35,000 square feet.

vi. **903.2.8 Group R.**

Exceptions: A sprinkler system is not required when all of the following conditions exist:

1. The building is R-2 occupancy and contains eight or fewer apartment units.
2. Separation is maintained between living units by means of one-hour fire partitions creating a complete vertical separation from foundation to roof.
3. Each living unit has its own separate exit access independent of other living units.

vii **1103.2 Emergency responder radio coverage in existing buildings.** Existing buildings other than Group R-3, that do not have approved radio coverage for emergency responders in the building based on existing coverage for levels of the public safety communication systems, shall be equipped with such coverage according to one of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with Section 510.1, Exception 1
2. Within a time frame established by the adopting authority.

Exceptions:

1. Where it is deemed by the fire code official that the radio coverage system is not needed.
2. If the building or structure is under 35,000 square feet

viii

CHAPTER 56 Explosives and Fireworks.

Sections 5601.1 through 5609.1 of the International Fire Code are hereby deleted in their entirety. Section 5610.1 is hereby added as set forth below:

5610.1 General. The possession, storage, sale, handling, and use of 'consumer fireworks,' shall meet the requirements defined by, *Neb. Rev. Stat. §§ 28-1241* as amended, and applicable provisions of the La Vista Municipal Code."

(I) *Uniform Code for the Abatement of Dangerous Buildings adopted by reference.* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the Uniform Code for the Abatement of Dangerous Buildings, 1985 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such Uniform Code for the Abatement of Dangerous Buildings, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(J) *Unsafe Buildings.* In addition to any applicable provisions of the Building Code, the Municipal Code or other laws, regulations or rules, all buildings and structures existing in violation of any provisions of the International Building Code, International Fire Code or NFPA Life Safety Code 101, as adopted in this Section 150.01, upon determination by an applicable enforcement official that the violation represents a significant risk of damage or loss to persons or property, shall constitute an unsafe building or structure.

"

SECTION 2. Amendment of Section 150.02. Section 150.02 of the La Vista Municipal Code is hereby amended to read as follows:

“§ 150.02 MECHANICAL CODE. The standard codes specified below are hereby adopted as the Mechanical Code of the City of La Vista to regulate and provide complete and certain minimum standards, provisions and requirements for the design, construction, installation quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat producing appliances, as well as the design and installation of fuel gas systems and gas-fired appliances through requirements that emphasize performance, within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore.

(A) *International Mechanical Code adopted by reference.* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Mechanical Code*, 2018 Edition, including all appendices, published by the International Code Council, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Mechanical Code*, 2018 Edition, and all appendices, amendments, revisions

or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(B) *International Fuel Gas Code adopted by reference.* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Fuel Gas Code*, 2018 Edition, including all appendices, published by the International Code Council, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Fuel Gas Code*, 2018 Edition, and all appendices, amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out in herein.”

SECTION 3. Amendment of Section 150.03. Section 150.03 of the La Vista Municipal Code is hereby amended to read as follows:

“§150.03 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.

Certain documents in book form, two copies of which are on file in the office of the City Clerk of the city of La Vista and being marked and designated as International Property Maintenance Code, 2018 Edition, prepared by the International Code Council, and all amendments, revisions or editions be, and the same are, hereby adopted as the Property Maintenance Code of the city of La Vista regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the city of La Vista; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, 2018 Edition, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the city of La Vista are hereby referred to, adopted and made a part hereof as it fully set out in this section.

(1) *Additional requirements, rules and regulations adopted.*

(a) *Windows, skylight and door frames (adopted in addition to IPMC §304.13)*

304.13.3 Whenever there has been damage to non-structural building elements of a vacant residence, *see Section 108.2*, the owner of such property (in addition to any obligation under the IPMC) is required to immediately secure and ensure the continued security of such structure. To specify and not limit the immediately preceding sentence, any such structure that has windows, skylights or doors covered to secure the building due to damage of windows, skylights, doors or door frames, may only be allowed to cover the damaged openings for a period of sixty (60) days. After such time the owner will then make permanent corrections to the openings within the time specified by the Building Official pursuant to IPMC Section 304.18.4. If any openings are not secured or corrected in accordance with IPMC Section 304.13.3 or 304.18.4, the Building Official is authorized to perform such work or cause such work to be performed by any available means, including without limitation, contracting with any public or private person, entity, or agency. The property owner shall be liable for the costs of such work, and such costs shall constitute a lien on the real estate upon which the structure is located, which costs and lien may be collected, foreclosed

or otherwise pursued by the Building Official or the Building Official's designee using any available legal or equitable means or remedies. Any action or exercise of authority by or at the direction of the Building Official pursuant to this Section 304.13.3 shall be carried out in accordance with applicable laws. Provisions of this Section 304.13.3 shall apply, notwithstanding any other provisions of the IPMC to the contrary.

(b) Vacant structures (adopted in addition to IPMC § 304.18)

304.18.4 Whenever there has been damage to non-structural building elements of a vacant residence, *see Section 108.2*, the owner of any such property (in addition to any obligation under the IPMC to secure such structure) shall obtain a building permit and correct all such damage and any other violations specified in the Notice or Order to correct issued by the Building Official. All work shall be completed within the time specified in the Notice or Order, which shall be no later than six months after such Notice or Order is issued. If the work is not completed within the applicable time, the Building Official is authorized to perform such work or cause such work to be performed by any available means, including without limitation, contracting with any public or private person, entity, or agency. The property owner shall be liable for the costs of such work, and such costs shall constitute a lien on the real estate upon which the structure is located, which costs and lien may be collected, foreclosed or otherwise pursued by the Building Official or the Building Official's designee using any available legal or equitable means or remedies. Any action or exercise of authority by or at the direction of the Building Official pursuant to this Section 304.18.4 shall be carried out in accordance with applicable laws. Provisions of this Section 304.18.4 shall apply, notwithstanding any other provisions of the IPMC to the contrary. ”

SECTION 4. Amendment of Section 150.04. Section 150.04 of the La Vista Municipal Code is hereby amended to read as follows:

“§ 150.04 PLUMBING CODE ADOPTED BY REFERENCE.

Certain documents in book form, two(2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Plumbing Code*, 2018 Edition, including Appendix “E”, Sizing of Water Piping System, and Appendix “C”, Structural Safety, are hereby adopted as the Plumbing Code of the City of La Vista to regulate and provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and plumbing related work within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Plumbing Code*, 2018 Edition, and specified appendices, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.”

SECTION 5. Amendment of Section 150.05. Section 150.05 of the La Vista Municipal Code is hereby amended to read as follows:

“§ 150.05 ELECTRICAL CODE ADOPTED BY REFERENCE.

Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *National Electric Code*, 2017 Edition, including amendments thereto recommended by the National Fire Protection Association and published by the National Fire Protection Association, 2017 Edition, are hereby adopted as the Electrical Code of the City of La Vista to regulate and provide complete and certain

minimum standards, provisions and requirements for electrical wiring of buildings, structures, machinery and equipment for light and power, safe and fireproof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *National Electric Code, 2017 Edition*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.”

Section 6. Repeal. Sections 150.01, 150.02, 150.03, 150.04, and 150.05 and all other ordinances and any parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

Section 7. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 8. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in book or pamphlet form or as otherwise provided by law.

PASSED AND APPROVED this ____ day of _____, 2021.

CITY OF LA VISTA,

DOUGLAS KINDIG, MAYOR

Attest:

PAMELA BUETHE, City Clerk

AGENDA ITEM 5

**Adoption of the 2022 Schedule of Planning
Commission Hearings / City of La Vista Review
Schedule**

2022 Review Schedule



For All Applications Requiring Public Hearings

Application Submittal Deadline	Final Revision & Publication Deadline	Planning Commission Meeting	City Council*
November 22, 2021	December 13, 2021	January 6, 2022	February 1, 2022
December 6, 2021	December 27, 2021	January 20, 2022	February 15, 2022
December 20, 2021	January 10, 2022	February 3, 2022	March 1, 2022
January 3, 2021	January 24, 2022	February 17, 2022	March 15, 2022
January 14, 2022	February 7, 2022	March 3, 2022	April 5, 2022
January 31, 2022	February 21, 2022	March 17, 2022	April 19, 2022
February 18, 2022	March 14, 2022	April 7, 2022	May 3, 2022
March 7, 2022	March 28, 2022	April 21, 2022	May 17, 2022
March 21, 2022	April 11, 2022	May 5, 2022	June 7, 2022
April 4, 2022	April 25, 2022	May 19, 2022	June 21, 2022
April 18, 2022	May 9, 2022	June 2, 2022	July 5, 2022
May 2, 2022	May 23, 2022	June 16, 2022	July 19, 2022
May 23, 2022	June 13, 2022	July 7, 2022	August 2, 2022
June 6, 2022	June 27, 2022	July 21, 2022	August 16, 2022
June 20, 2022	July 11, 2022	August 4, 2022	September 6, 2022
July 1, 2022	July 25, 2022	August 18, 2022	September 20, 2022
July 18, 2022	August 8, 2022	September 1, 2022	October 4, 2022
August 1, 2022	August 22, 2022	September 15, 2022	October 18, 2022
August 22, 2022	September 12, 2022	October 6, 2022	November 1, 2022
September 2, 2022	September 26, 2022	October 20, 2022	November 15, 2022
September 19, 2022	October 10, 2022	November 3, 2022	December 6, 2022
October 3, 2022	October 24, 2022	November 17, 2022	December 20, 2022
October 17, 2022	November 7, 2022	December 1, 2022	January 3, 2023
October 31, 2022	November 17, 2022	December 15, 2022	January 17, 2023
November 21, 2022	December 12, 2022	January 5, 2023	February 7, 2023
December 5, 2022	December 26, 2022	January 19, 2023	February 21, 2023
December 19, 2022	January 9, 2023	February 2, 2023	March 7, 2023
January 2, 2023	January 23, 2023	February 16, 2023	March 21, 2023

Notes:

1. A pre-application meeting with city staff is required prior to the submission of any application.
2. All required submittal information must be received prior to being published for public hearing.
3. All submittal deadlines and meeting dates may be subject to change.
4. Insufficient submittals may delay hearing dates.
5. * This is the earliest date possible for the City Council hearing. City Council hearings will be determined based on the Planning Commission's action and the completion of all requirements prior to scheduling.