

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 16, 2016 AGENDA**

Subject:	Type:	Submitted By:
ADOPTION OF NEW BUILDING, MECHANICAL, PLUMBING, ELECTRICAL, & MAINTENANCE CODES WITH AMENDMENTS	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A draft ordinance has been prepared to adopt the 2012 I-Codes, with amendments, and the 2014 National Electrical Code. A public hearing on the proposed amendments has been tentatively set for the February 18, 2016, Planning Commission meeting.

FISCAL IMPACT

N/A.

RECOMMENDATION

For discussion.

BACKGROUND

An ordinance has been prepared to consider the adoption of the 2012 I-Codes, which consist of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, the International Property Maintenance Code, and the 2014 National Electrical Code.

The adoption of these codes are the same codes recommended to be adopted by the building officials of the other metro-area communities (although La Vista may be the first in line). The Chief Building Official is recommending certain amendments to the I-Codes which are noted in red on the attached draft ordinance. These amendments will not compromise building safety or add any unnecessary costs to buildings. Of particular note are the changes proposed on pages 17 and 18 relating to vacant, residential structures. The current code allows for windows and doors to be boarded over. The proposed amendments would require permanent window and door coverings after 60 days, and a new provision which requires compliance for all repairs of vacant structures to be completed within 6 months of a notice

This is being brought to the Mayor and City Council for discussion purposes to ensure that the concerns that have been previously expressed are being satisfactorily addressed.

A public hearing on the proposed amendments is tentatively scheduled for the February 18th Planning Commission meeting.

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 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*, 2012 Edition, and ("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, and 3401.3 the following portions of said IBC are hereby adopted: Chapters 1 thru 35 inclusive, and Appendix "E" **Supplemental Accessibility Requirements**, "I", Patio Covers and "J" Grading ("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. Movable cases, 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 90 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 § 1804.3).* 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 § 1503.7*

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 Section 1807.1.4*

Delete this section in its entirety.

(i) *Timber Footings Section 1809.12*

Delete this section 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*, 2012 Edition, and ("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, R317.1, R320.1.2, R502.6.2, R506.2.2, R703.7.4.2, R905.3.8, R905.7.6, R905.8.8, R907.3, and Tables R301.5, R802.11, R905.2.8.2 and N1102.1.2, the following portions of said IRC are hereby adopted: Chapters 1 through 42, inclusive, and Chapter 44 Appendices "G", Pools, Hot-tubs, Spas, "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) *Minimum uniformly distributed live loads (adopted in lieu of IRC Table R301.5).*

	<i>Live Load</i>
Attics with storage ^b	20
Attics without storage ^b	10

Decks ^e	40
Exterior balconies	60
Fire escapes	40
Guardrails and handrails ^d	200
Guardrails in-fill components ^f	50
Passenger vehicle garages ^a	50 ^a
Rooms other than sleeping rooms	40
Sleeping rooms	40
Stairs	40 ^c
<p>For SI: 1 pound per square foot = 0.0479 kN/m² 1 square inch = 645 mm² 1 pound = 4.45 N.</p> <p>^a Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.</p> <p>^b No storage with roof slope not over three units in 12 units.</p> <p>^c Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of four square inches, whichever produces the greater stresses.</p> <p>^d A single concentrated load applied in any direction at any point along the top.</p> <p>^e See Section R502.2.1 of adopted IRC provisions for decks attached to exterior walls.</p> <p>^f Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to one square foot. This load need not be assumed to act concurrently with any other live load requirement.</p>	

(c) *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.**

(d) *Continuity (adopted in lieu of IRC § R311.7.8.2).*

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.

(e) 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.

(f) 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

(g) 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.

(h) 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.

(i) 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 AWP A U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of the AWP A 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.

(j) 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 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 adjoining property line.
2. Exception: Structures with no sub-grade spaces.

(k) Valley lining material (adopted in lieu of IRC Table R905.2.8.2).

Valley Lining Material

<i>Material</i>	<i>Minimum Thickness (inches)</i>	<i>Gage</i>	<i>Weight (pounds)</i>
Cold-rolled copper	0.0216 nominal	--	ASTM B 370, 16 oz. per square foot
Lead-coated copper	0.0216 nominal	--	ASTM B 101, 16 oz. per square foot
High-yield copper	0.0162 nominal	--	ASTM B 370, 12 oz. per square foot
Lead-coated high-yield copper	0.0162 nominal	--	ASTM B 101, 12 oz. per square foot
For SI: 1 inch = 25.4 mm 1 pound = 0.454 kg			

<i>Valley Lining Material</i>			
<i>Material</i>	<i>Minimum Thickness (inches)</i>	<i>Gage</i>	<i>Weight (pounds)</i>
Stainless steel	--	28	--
Galvanized steel	0.0179	28 (zinc coated G90)	--
Zinc alloy	0.027	--	--
Lead	--	--	2 1/2
Painted frame	--	--	20
For SI: 1 inch = 25.4 mm 1 pound = 0.454 kg			

(l) *Flashing (adopted in lieu of IRC § R905.3.8).* At the juncture of roof vertical surfaces, flashing and counter flashing shall be provided in accordance with this chapter and the manufacturer's installation instructions and, where of metal, shall not be less than 0.018 inches (0.4 mm) (No. 28 galvanized sheet gauge) corrosion resistant sheet metal. The valley flashing shall extend at least 11 inches (279 mm) from the centerline each way and have a splash diverter rib not less than one inch (25 mm) high at the flow line formed as part of the flashing. Sections of flashing shall have an end lap of not less than four inches (102 mm). For roof slopes of three units vertical in 12 units horizontal (25% slope) and greater, valley flashing shall have a 36-inch wide (914 mm) underlayment of one layer of Type I underlayment running the full length of the valley, in addition to other required underlayment. In areas where the average daily temperature in January is 25°F (-4°C) or less, metal valley flashing underlayment shall be solid-cemented to the roofing underlayment for slopes less than seven units vertical in 12 units horizontal (58% slope) or be of self-adhering polymer modified bitumen sheet.

(m) *Valley flashing (adopted in lieu of IRC § R905.7.6).* Roof flashing shall be not less than No. 28 gage [0.018 inches (0.4 mm)] corrosion resistant sheet metal.

(n) *Valley flashing (adopted in lieu of IRC § R905.8.8).* Roof flashing shall be not less than No. 28 gage [0.018 inches (0.4 mm)] corrosion resistant sheet metal and shall extend

at least 11 inches (279 mm) from the centerline,

(o) *Re-covering versus replacement (adopted in lieu of IRC § R907.3).* 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 Figure R903.5.

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 § R907.4.

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

(p) *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 N1102.1.1 shall be permitted as an alternative to the R-value in Table N1102.1.3

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) *Uniform Code for the Abatement of Dangerous Buildings* 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.

(E) *Uniform Administrative 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 *Uniform Administrative Code*, 1987 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *Uniform Administrative 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) *Life Safety Code adopted by reference.*

(1) *NFPA 101 Life Safety Code 2000 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*, 2000 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.

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

(1) *International Fire 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 *International Fire Code, 2012 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 and J.

(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. (Page 1) **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. (Page 46) **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:

(Page 47) (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.

(Page 47) (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. (Page 63) **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. (Page 64) **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. (Page 101) **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.

- vi. (Page 333) **CHAPTER 56 Explosives and Fireworks.**

(Pages 333 – 349) 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:

(Page 349) **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."

H. *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, 2012* Edition, including all appendices, and the 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, 2012* 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 and 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 and Gas Code, 2012* 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 and Gas Code, 2012* 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:

8 150.03 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, 2012 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, 2012 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 closed vacated residence, *see Section 108.2*, the owner of any such property is required to secure and keep secure any such structure that is in non-compliance. Any such structure that has had its windows, skylights and doors covered to secure the building due to damage of such window, skylight, and door frames, may only be allowed to cover the damaged openings for a period of sixty (60) days after receiving a Notice and Order to correct from the Building Official. After such time the owner will then be required to make permanent corrections to the openings. If after such time the repairs are not corrected through the time frame stated, the Building Official is authorized to order the structure to be corrected through any available public agency or by contract or arrangement by private persons and the costs thereof shall be charged against such real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(b) Vacant structures (adopted in addition of IPMC § 304.18.4)

304.18.4 Whenever there has been damage to non-structural building elements of a closed vacated residence, *see Section 108.2*, the owner of any such property is required to secure and keep secure any such structure that is in non-compliance. The owner of the property is required to acquire a building permit to correct violations and comply with any Notice and Orders that may have been issued; within six (6) months of such notice or order. Violations include but not limited to; doors, windows, siding, roofing, building openings. If such time the repairs are not corrected within the time frame stated the Building Official is authorized to order the structure to be corrected through any available public agency or by contract or arrangement by private persons and the costs thereof shall be charged against such real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

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*, 2012 Edition, including Appendix “C”, Gray Water Recycling System, Appendix “E”, Sizing of Water Piping System, Appendix “F”, Structural Safety, and Appendix, 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*, 2012 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, 2014 Edition, including amendments thereto recommended by the National Fire Protection Association and published by the National Fire Protection Association, 2014 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*, 2014 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 _____, 2016.

CITY OF LA VISTA,

DOUGLAS KINDIG, MAYOR

Attest:

PAMELA BUETHE, City Clerk