

ORDINANCE NUMBER 13-037

An ordinance to amend Sections 7-11 and 7-21 to the Beatrice City Code concerning accessory buildings; to repeal all other conflicting ordinances or parts of ordinances; and to provide for publication in pamphlet form and for an effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
BEATRICE, NEBRASKA:

SECTION 1. That Section 7-11 of the Beatrice City Code be and hereby is amended as follows:

“Sec. 7-11. Additions, insertions and changes to the *International Building Code*, 2009 Edition.

That Sections 101.1, 101.4.3, 105.2, 109.2, 109.4, 113.1, 113.3, 114.4, 115.1, 903.2.8, 1612.3, and 3412.2 of the *International Building Code*, 2009 edition, are amended to read as follows:

Section 101.1 Title. These regulations shall be known as the *Building Code of the City of Beatrice, Nebraska*, hereinafter referred to as “this code.”

Section 101.4.3 Plumbing. The provisions of the *International Plumbing Code* shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 20 square feet (1.86 m²).
2. Oil derricks.
3. Retaining walls which are not over 4 feet (1219 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.
4. 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.

5. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925L) and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family dwellings.
11. Window awning supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.
12. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
13. Overlaying of existing siding.
14. Installation of a water heater to replace an existing water heater.

Electrical:

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

Radio and television transmitting stations: The provisions of this code 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.

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

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Replacement of furnace or air conditioning unit.

Plumbing:

1. 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.
2. 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.
3. The replacement of hot water heater provided such replacement do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section 109.2 Schedule of Permit Fees. The building permit fees shall be established by resolution adopted by the City Council.

Section 109.4 Refunds. The refunding of fees shall be established by resolution adopted by the City Council.

Section 113.1. General. In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the Mayor by and with the consent of the City Council.

Section 113.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.

Section 114.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair anything in violation of the *approved* construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 dollars or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 115.1 Stop work orders. Upon notice from the building official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order,

except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 dollars or more than \$500.00 dollars. Each day that work continues in or about a structure after having been served a stop work order shall constitute a separate offense.

Section 903.2.8 Group R. An automatic sprinkler system shall not be required but if an automatic sprinkler system is installed it shall be installed in accordance with Section 903.3.

Section 1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for the City of Beatrice, Nebraska”, dated June 18, 2010, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Section 3412.2 Applicability. Structures existing prior to the effective date of this ordinance, in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Section 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.”

That Sections 113.4, 113.5, 113.6, 113.7, 113.8, 113.9, 113.10, 113.11, and 113.12 be added to the *International Building Code*, 2009 edition, as follows:

Section 113.4 Notice of meeting. The board shall meet within 20 days of the filing of an appeal, or at stated periodic meetings.

Section 113.5 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the building official, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

Section 113.6 Procedure. The board shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

Section 113.7 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.

Section 113.8 Board decision. The board shall modify or reverse the decision of the building official only by a concurring vote of a majority of the total number of appointed board members.

Section 113.9 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the building official.

Section 113.10 Administration. The building official shall take immediate action in accordance with the decision of the board.

Section 113.11 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law.

Section 113.12 Stays of enforcement. Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

That Sections 101.4.5, 103.1, 103.2, 103.3, 109.6, 115.2, and 115.3 of the *International Building Code*, 2009 edition, are hereby repealed.”

SECTION 2. That Section 7-21 of the Beatrice City Code is amended as follows:

“Sec. 7-21. Additions, insertions and changes to the *International Residential Code*, 2009 Edition.

That Sections R101.1, R102.7, R105.2, R108.2, R108.5, R112.1, R112.3, R112.4, R113.4, R114.1, R301.2, P2603.6.1, and P3103.1 of the *International Residential Code*, 2009 edition, are amended to read as follows:

Section R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-family Dwellings of the City of Beatrice, Nebraska*, and shall be cited as such and will be referred to herein as “this code.”

Section R102.7. Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Section R105.2. Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 20 square feet (1.86 m²).
2. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. 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.

4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
6. Swings and other playground equipment.
7. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
8. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section R311.4.
9. Installation of a water heater to replace an existing water heater.

Electrical:

1. *Listed* cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, *appliances*, apparatus or *equipment* operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical *equipment* to *approved* permanently installed receptacles.

Gas:

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

Mechanical:

1. Portable heating *appliances*.
2. Portable ventilation *appliances*.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling *equipment* regulated by this code.
5. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.
9. Replacement of furnace or air conditioning unit.

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 this code.

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.

Section R108.2. Schedule of permit fees. The building permit fees shall be as established by resolution adopted by the City Council.

Section R108.5. Refunds. The refunding of fees shall be established by resolution adopted by the City Council.

Section R112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the Mayor by and with the consent of the City Council.

Section R112.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.

Section R112.4 Notice of meeting. The board shall meet within 20 days of the filing of an appeal, or at stated periodic meetings.

Section R113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair anything in violation of the *approved* construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 dollars or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section R114.1 Stop work orders. Upon notice from the building official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 dollars or more than \$500.00 dollars. Each day that work continues in or about a structure after having been served a stop work order shall constitute a separate offense.

Section R301.2 Climatic and geographic design criteria. Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the building official.

Section P2603.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 36 inches (914.4 mm) below finished *grade* at the point of septic tank connection. *Building sewers* shall be a minimum of 36 inches (914.4 mm) below *grade*.”

Section P3103.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least 12 inches above the roof or 2 inches above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.”

That Sections R112.5, R112.6, R112.7, R112.8, R112.9, R112.10, R112.11, and R112.12 be added to the *International Residential Code*, 2009 edition, as follows:

Section R112.5 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the building official, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

Section R112.6 Procedure. The board shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

Section R112.7 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.

Section R112.8 Board decision. The board shall modify or reverse the decision of the building official only by a concurring vote of a majority of the total number of appointed board members.

Section R112.9 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the building official.

Section R112.10 Administration. The building official shall take immediate action in accordance with the decision of the board.

Section R112.11 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law.

Section R112.12 Stays of enforcement. Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

Section R315.1 Carbon monoxide alarms location. For buildings or premises with an attached garage or fuel-fired appliances, when an approved carbon monoxide alarm is to be installed, such shall be located in the immediate vicinity of the bedrooms.

Section R315.2 Alarm requirements. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer's installation instructions. A combination smoke alarm and carbon monoxide alarm is permitted. Carbon monoxide detectors are not required to be hardwired or interconnected.

That Sections R103.1, R103.2, R103.3, R108.6, R112.2.2, R114.2, R313, and R315.3 of the *International Residential Code*, 2009 edition, are hereby repealed."

SECTION 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 19th day of August, 2013.

Dennis M. Schuster, Mayor

Attest:

Linda S. Koch, City Clerk

Read by title one time 8/5/2013

Read by number second and third time 8/19/2013