

ORDINANCE #806 - AMENDING SECTION 9-102 OF MUNICIPAL CODE TO UPDATE BUILDING CODE REQUIREMENTS FOR ONE- & TWO-FAMILY DWELLINGS

AN ORDINANCE OF THE CITY OF YUTAN, IN SAUNDERS COUNTY, NEBRASKA TO AMEND SECTION 9-102 OF MUNICIPAL CODE, TITLED “INTERNATIONAL RESIDENTIAL CODE; ADOPTED BY REFERENCE;” TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION OF THIS ORDINANCE FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN (15) DAYS AFTER ITS PASSAGE AND APPROVAL IN PAMPHLET FORM, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW, AND AS PROVIDED HEREIN; AND THAT IT IS THE INTENTION OF THE MAYOR AND COUNCIL OF THE CITY OF YUTAN, NEBRASKA, AND IT IS HEREBY ORDAINED THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE CITY OF YUTAN, NEBRASKA.

WHEREAS, it is in the interest of the City to protect the public’s health, safety, and general welfare by enacting building code standards and enforcing them within our City Limits and Extra Territorial Jurisdiction;

WHEREAS, the City of Yutan has previously adopted the 2015 edition of the International Residential Code (IRC) for one- and two-family dwellings and seeks to amend its existing ordinance by updating those requirements to the 2021 standards established by the International Code Council;

WHEREAS, the Yutan Planning Commission held a public hearing on July 9, 2024, to publicly review the proposed updates to building code requirements and receive public comment, and subsequently recommended approval of the update with amendments;

WHEREAS, the City Council has held public hearings on the 2021 IRC update on July 16th, August 20th, & September 17th of 2024 to publicly review the proposed updates, consider the Planning Commission’s recommendation, and receive public comment;

THEREFORE, be it ordained by the Mayor and Council of the City of Yutan, Nebraska:

- 1) The findings herein above made should be and are hereby made a part of this ordinance as fully as if set out at length herein.

2) Section 9-102 of the Municipal Code is hereby repealed and replaced with the following language:

SECTION 9-102: INTERNATIONAL RESIDENTIAL CODE; ADOPTED BY REFERENCE

- A. To provide minimum requirements to safeguard life or limb, health and public welfare in the construction, alteration, movement, enlargement, replacement, repair, equipment, use, occupancy, location, removal, and demolition of detached one- and two-family dwellings and townhouses, the International Residential Code (IRC), 2021 edition, published by the International Code Council, printed in book form is hereby incorporated by reference. One copy of the International Residential Code, 2021 edition, is available on file and available for public inspection at the office of the City Clerk. The provisions of the International Residential Code shall be controlling throughout the City and within its Extra Territorial Jurisdiction as defined by the Nebraska Revised Statutes.
- B. The International Residential Code, 2021 edition, is amended with the following changes:
- Amended Section 101.1 - Title
These provisions shall be known as the Residential Code for One- and Two-family Dwellings of the City of Yutan, and shall be cited as such and will be referred to herein as “this code.”
 - Amended Section 105.2 - Work exempt from permit
Exemption from the permitting requirements of this code does not exempt development and/or land use activities from the permitting/approval requirements of the City’s Zoning Ordinance. Permit exemptions shall not be deemed to grant authorization for any work to be done in violation of the Adopted Building Codes of Yutan or any other requirements of Federal, state, or local law. Permits shall not be required for the following:
Building:
 1. One-story detached accessory structures under 200 square feet.
 2. Fences.
 3. Retaining walls under four feet.
 4. Water tanks.
 5. Sidewalks and driveways.
 6. Painting, papering, tiling, carpeting, cabinets, countertops, and “similar finish work.”

7. Prefabricated swimming pools less than 24 inches deep.
8. Swings and playground equipment.
9. Window awnings supported by exterior wall(s) that do not project more than 54 inches and require no additional support.
10. Detached decking under 200 square feet and less than 30 inches above grade.
11. Repair and/or replacement of siding.
12. The repair/replacement of existing roofing materials and the installation of new roofing materials (ice/water-shield, shingles, metal sheet roofing, etc.) on an existing structure, so long as the work does not necessitate significant replacement of roof sheathing. (Projects involving roof framing, such as replacement of one or more trusses, shall require permit review and approval.)
13. Repair and/or replacement of storm gutters.
14. Minor repair of existing drywall.
15. The installation of other building elements which would not be considered a *structural aspect* (see definition) of the building. These do not include electrical, gas, mechanical, and plumbing aspects, which are addressed below.

Electrical:

All electrical work is subject to the requirements of the Nebraska State Electrical Division.

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 that does not alter approval of equipment or make such equipment unsafe.
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 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.

Plumbing:

1. 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.
 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.
- Amended Section 105.5 - Expiration
In order to allow for continuity in the timeframe for approvals granted under the City's Adopted Building Codes and the City's Zoning Ordinance, building permits authorized under this Code shall be valid for the same expiration timeframe granted for permits/approvals under the City's Zoning Ordinance, including any allowance for an extension of time.
 - Amended Section 109.1 - Types of inspections
For on-site construction, the building official shall make or cause to be made any inspections applicable to the construction project. Requests for inspection shall be made by the permit holder or their agent with as much advanced notice as possible. A minimum of two business days in advance of the requested inspection is suggested; the City cannot guarantee an inspection request received with less than the suggested minimum timeframe. Upon inspecting the construction activity, the building official shall either approve that portion of the construction as completed or notify the permit holder or agent where the activity fails to comply with this Code.
 - Amended Section 112.1 - [Board of Appeals] 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 for the Adopted Building Codes. The board of appeals shall consist of the Yutan City Council with the City Mayor acting as a voting member only if needed to break a tie vote or to provide a quorum. The building official shall be an ex officio member of said board but shall not have a vote on any matter before the board. Procedures for conducting its business as said board of appeals shall follow the established procedures for City Council as defined by municipal ordinance. The criteria for granting an appeal shall be made according to Section R112.2 of this code. The board shall

render findings and decisions, in writing, to the appellant with a duplicate copy to be filed in City records.

An alternate member may be appointed by the mayor, and approved by a majority vote of the City Council, to serve on the board of appeals and vote on any matter before said board when one of the City Council members is unable to do so for any reason. The term of the alternate member shall be three years. The alternate member may be removed by the mayor after a public hearing and with the consent of a majority vote of the City Council for the following reasons: inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause.

- Deleted Section 112.3 - [Board of Appeals] Qualifications
- Amended Section 202 - Definitions

NOTE: This amendment only adds the following definition; no deletions or amendments are being made to the remainder of Section 202.

Add: **STRUCTURAL ASPECT.** An element of a building which is a critical part of its structural integrity (for example: framing elements), and not an aspect which is installed onto the structure (for example: roof shingles).

- Amended Table 301.2 - Climatic and Geographic Design Criteria

Ground Snow Load	Wind Speed	Seismic Design Category	Weathering Damage	Frost Line Depth	Termite Damage	Ice Barrier Underlayment Req'd	Flood Hazard	Air Freeze Index	Mean Annual Temp
25	110mph	A	Severe	42"	Moderate	YES	*	2,000	50

* FEMA Flood Insurance Rate Map (FIRM) #3115C0400D, dated 4/5/2010

- Deleted Section 313 - Automatic Fire Sprinkler Systems
- Amended Section 403.1 - [Footings] General

All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, slab-on-grade (“monolithic”) foundations, wood foundations, or other *approved* structural systems that shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill.

Concrete footings shall be designed and constructed in accordance with the provisions of Section 403 or in accordance with ACI 332.

- Deleted Section 403.4.1 - Crushed Stone Footings
- Amended 2603.5.1 - Sewer Depth

Private wastewater treatment on residential lots without municipal sewer services shall be installed in accordance with state/county requirements; the City shall have no review authority.

3) That should any section, paragraph, sentence, or word of this ordinance be hereby adopted be declared for any reason to be invalid, it is the intent of the Mayor and City Council of Yutan, Nebraska, that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

4) That all ordinances or parts of ordinances passed and approved prior to the passage, approval, and publication of this ordinance and in conflict herewith, are hereby repealed.

5) That this ordinance shall be published within the first fifteen days after its passage and approval, in pamphlet form, and shall be in full force and take effect on that date.

6) That it is the intention of the Council and Mayor of the City of Yutan, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Yutan Municipal Code of the City of Yutan, Nebraska, and the sections of this ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

CITY OF YUTAN, NEBRASKA

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

(seal)