

**ORDINANCE NO. 2021-8**

**AN ORDINANCE TO AMEND TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, SECTION 150.15 BUILDING CODE; BUILDING PERMITS; SECTION 150.16 ELECTRICAL CODE; SECTION 150.17 ONE AND TWO FAMILY DWELLING CODE; SECTION 150.18 PLUMBING CODE; PLUMBERS; SECTION 150.19 MECHANICAL CODE; SECTION 150.31 PROPERTY MAINTENANCE CODE; SECTION 150.32 ENERGY CONSERVATION CODE; AND SECTION 150.33 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.**

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.15 Building Code; Building Permits of the Wayne Municipal Code is amended to read as follows:

**§ 150.15 BUILDING CODE; BUILDING PERMITS.**

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction, and uses of materials in buildings erected, constructed, enlarged, altered, repaired, relocated and converted, the “~~2012~~ **2018** International Building Code” as published by The International Code Council, Inc. is hereby adopted as the building code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (D) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction. (2002 Code, § 18-41)

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

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

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

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

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

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

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

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

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

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

**2. Fences not over 8 feet high.**

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

*Section 107.3.1 Approval of construction documents.* Delete this section.

*Section 109.2 Schedule of permit fees.* Insert the Building Permit Fees as set forth by the City Council and a copy shall be on file at the City Clerk’s office.

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

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

*Section 115.2 Issuance.* Amend to read as follows:

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

*Section 115.3 Unlawful continuance.* Amend to read as follows:

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

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

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

Section 3410.2 Applicability. Insert: ~~October 1, 2017~~ **July 1, 2021**

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

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

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

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

**Adopt Appendix F – Rodent Proofing.**

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

(F) *Building permits; cash deposits.*

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

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

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

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

(G) *Building permits; penalty.* A penalty for not obtaining a building permit prior to the start of the project shall be established in an amount of two times the building permit fee.  
(2002 Code, § 18-47)

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

**Statutory reference:**

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

*Related provisions, see Neb. RS 18-1743*

Section 2. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.16 Electrical Code of the Wayne Municipal Code is amended to read as follows:

**§ 150.16 ELECTRICAL CODE.**

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for all electrical wiring, installation of electrical fixtures, apparatus or electrical appliances for furnishing light, heat or power, or other electrical work introduced into or placed in or upon, or in any way connected to any building or structure, the ~~2014~~ 2017 National Electrical Code, printed in book or pamphlet form, is incorporated by reference in addition to all amendments thereto as though printed in full in this section, insofar as the Code does not conflict with the state statutes. One copy of the National Electrical Code is on file at the public library and is available for public inspection at any reasonable time. The National Electrical Code shall be controlling throughout the city and throughout its zoning jurisdiction.  
(2002 Code, § 18-81)

(B) *Purpose.* This Electrical Code shall not be construed to:

(1) Require employees of city corporations, public power districts, public power and irrigation districts, electric membership or cooperative associations, public utility corporations, railroads, petroleum companies, petrochemical companies, pipeline companies, telephone or telegraph systems performing manufacturing, installation and repair work for such employer to hold licenses while acting within the scope of their employment;

(2) Cover the installation, maintenance, repair or alteration of vertical transportation or passenger conveyors, elevators, moving walks, dumbwaiters, stagelifts, manlifts or their appurtenances beyond the terminals of the controllers; and

(3) Require a license of any person who engages any electrical appliance where approved electrical outlets are already installed.  
(2002 Code, § 18-82)

(C) *Building Inspector.* The Building Inspector or his or her authorized representatives are hereby authorized and directed to enforce the provisions of the Electrical Code, and take such action, as provided by law, to enforce the provisions of the Electrical Code.  
(2002 Code, § 18-83)

(D) *Duties of the Building Inspector.*

(1) The Building Inspector shall examine or cause to be examined all electrical installations for which a permit has been issued.

(2) (a) A state electrical permit is required for any electrical work performed within the city limits and within the city's two-mile zoning jurisdiction; this includes an owner of property who resides at the principal dwelling more than 51% of the time. The State Electrical Inspector will conduct all electrical inspections, including remodels and additions for residential structures and any electrical work performed by the owner of the property who resides at the residence more than 51% of the time. The Building Inspector shall not be required to make inspections on any electrical installations that are required to be inspected by state or federal authorities.

(b) An owner of a property may perform electrical work on his or her principal residence where he or she resides more than 51% of the time, if such residence is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations in public use buildings or facilities. The owner of the property does not need to be licensed by the State Electrical Division to perform such work. However, the owner of the property may not perform electrical work on a relative's residence, their rental property or their recreational properties. If the owner of a property is purchasing a home or is presently building a home for their principal residence, the owner may not perform any electrical work.

(3) The Building Inspector or State Electrical Inspector is authorized to examine or cause to be examined any electrical equipment or wiring within or on any building or premises. If such is found to be defective, or not in compliance with accepted standards of construction for safety to life and property, based upon minimum standards set forth in the National Electrical Code, as in any improper operating condition so as to constitute a danger to human life or a hazard to the public health, safety and welfare, the Building Inspector shall give written notice to the owner of such building or premises, stating the deficiencies found to exist and the date by which these deficiencies must be corrected. Such notice shall be served personally or mailed by United States mail upon the owner at his or her last known address and upon the electrician making the installation.

(4) The Building Inspector is vested with the authority to condemn and disconnect or order the electric utility supplier to disconnect the electrical service to any building or premises where such deficiencies in electrical equipment or wiring have not been corrected within the time specified by such notice duly served upon the owner, or in cases of emergency where the name is necessary for the protection of life, limb or property; and is further authorized to order the electric utility supplier to disconnect service to any building or premises where a valid permit has not been issued for such electrical services.  
(2002 Code, § 18-84)

(E) *Right of entry.*

(1) Whenever necessary to make an inspection to enforce any of the provisions of the Electrical Code, or whenever the Building Inspector has reasonable cause to believe that there exists within or on any building or premises and equipment or wiring which makes such building or premises dangerous, hazardous or unsafe, or that work is being done or has been done in violation of the Electrical Code, the Building Inspector is authorized to enter within or on such building or premises at any reasonable time and to inspect the premises; provided that, if such building or premises are occupied, he or she shall first present proper credentials to the occupant and demand entry, explaining his or her reasons; and, if such building or premises are unoccupied, he or she shall first make reasonable effort to locate the owner or other person having charge or control of such building or premises and demand entry, explaining his or her reasons. If such entry is refused or cannot be obtained because the owner or other person having charge or control cannot be found after due diligence, the Building Inspector shall have recourse to every remedy provided by law to secure lawful entry and inspect such building or premises. If, after inspection, the Building Inspector finds the work or equipment being used in a dangerous, hazardous or unsafe manner, he or she is authorized to order discontinuance of such work or the use of such equipment.

(2) No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as provided in this section, to promptly permit entry by the Building Inspector for the purpose of inspection and examination pursuant to the Electrical Code. Any person violating this division (E)(2) shall be guilty of a misdemeanor.  
(2002 Code, § 18-85)

(F) *Building Inspector relieved from personal liability.* The Building Inspector or any employee charged with the enforcement of the Electrical Code, acting in good faith and without malice for the city in the discharge of his or her duties, shall not thereby render himself or herself liable personally and he or she is released from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Building Inspector or employee because of such act or omission performed by him or her in the enforcement of any provisions of the Electrical Code shall be defended by the Legal Department of the city until final termination of the proceedings.  
(2002 Code, § 18-86)

(G) *Regulations and registrations.*

(1) It shall be unlawful for any person to engage in the business of installing electrical wiring or equipment for electrical light, heat, power and any other purposes within the jurisdiction of the city, except as provided in this division (G)(1), without having first procured a state Class AA≅ master electrician's license, a Class A electrical contractor's license or a Class A journeyman's license, and until he or she has obtained a certificate of registration with the city. Application for registration shall be made in writing to the Building Inspector, showing the name and residence of the applicant, the business location of the applicant and such other information as may be required.

(2) It shall be unlawful for any person to install or supervise the installation of electrical wiring or equipment within the jurisdiction of the city, except as provided in division (G)(1) above.

(3) It shall be unlawful for any person to supervise or assign more than three apprentice electricians to any one master electrician on any one job or project or to assign work to be done or performed by apprentice electricians in violation of the Electrical Code. It shall be unlawful for an apprentice to do or perform any act or electrical installation, repair or maintenance without the supervision of anyone as set forth in division (G)(1) above.

(4) It shall be unlawful for any person to conceal or cause to be concealed any electrical wiring or equipment, except with the permission of the Building Inspector. The request for inspection must be made at the office of the Building Inspector.

(5) All registrations shall expire on December 31 of each year in which they are issued and shall not be assignable. Certificates of registration may be renewed upon payment of the required registration fee.

(2002 Code, § 18-87)

(H) *Installation by homeowner.*

(1) Any homeowner may install electrical wiring or equipment only in a single-family residence which he or she occupies or will occupy as his or her home and an adjacent garage of three stalls or less. All electrical wiring installed by an owner shall be for himself or herself, without compensation or pay from or to any other person for such labor or installation. The homeowner shall be required to apply for and secure a building permit for such installation, pay the required building permit fees and call for all inspections in the manner provided by this section.

(2) A homeowner shall provide to the satisfaction of the Building Inspector that he or she will own the home and will reside in such home in order to qualify for a homeowner's permit.

(2002 Code, § 18-88)

(I) *Permit required.*

(1) No alteration or change shall be made in electrical wiring or equipment for use in the protection of electric lights, heat or power, nor shall any electrical wiring or apparatus be installed within the city without the person's making the alteration or change first securing from the Building Inspector a building permit; nor shall any change be made in any wiring or equipment after inspection without such person's notifying the Building Inspector and securing a building permit; except that, no building permit shall be required to execute minor repair work such as, but not limiting, the generality of the term to:

(a) Repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping joints and repairing drop cords, and repairing of appliances, motors and other devices when not attached to permanent wiring;

(b) Wiring which is an integral part of machinery, appliances or vehicles;

(c) Experimental work of a temporary nature in testing laboratories of electrical shops, educational institutions and the like;

(d) Wiring supplied with current by approved bell-ringing transformers; and

(e) The attaching of portable appliances to existing outlets.

(2) No building permit shall be issued until the fee has been paid according to this section. (2002 Code, § 18-89)

(J) *Record of Building Inspector.* The Building Inspector shall keep a full and complete record of all work done, permits issued, examinations made or other official work performed as required by the Electrical Code. The records shall be so arranged as to afford prompt information concerning the condition and general arrangement of any electrical equipment at the time of the Building Inspector's last visit. (2002 Code, § 18-90)

(K) *Occupation tax.* For the purpose of raising revenue, an occupation tax is levied for electricians and apprentices. The amount of such tax shall be set by the Council, and a schedule of such occupation tax is on file and available in the City Clerk's office.

(2002 Code, § 18-91)

(Ord. 99-7, passed 7-27-1999; Ord. 2007-24, passed 12-4-2007; Ord. 2010-4, passed 4-20-2010; Ord. 2010-30, passed 12-21-2010) Penalty, see § 150.99

***Statutory reference:***

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

Section 3. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.17 One- and Two-Family Dwellings Code of the Wayne Municipal Code is amended to read as follows:

**§ 150.17 ONE- AND TWO-FAMILY DWELLING CODE.**

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction, and uses of materials in houses erected, constructed, enlarged, altered, repaired, relocated and converted, the “~~2012~~ **2018** International Residential Code for One- and Two-Family Dwellings”, as published by International Code Council, Inc., is hereby adopted as the one- and two-family dwelling code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (B) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(B) *Additions, insertions, and changes.* The following sections of the one- and two-family dwelling code adopted in section 150.17 (A) are hereby revised as follows:

*Section R101.1 Title:* Insert: the City of Wayne, Nebraska

*Section R105.2 Work exempt from permit.* Amend to read as follows:

Permits shall not be required for the following. Exemption from the 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.

1. One-story detached accessory structures, provided the floor area does not exceed 64 square feet.
2. Fences not over ~~6~~ **8** feet high.
3. Retaining walls that are not over 4 feet in height measured from the top of finished grade to top of wall.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated above ground swimming pools.
8. Swings and other playground equipment accessory to a one- or two-family dwelling.
9. Window awnings supported by an exterior wall.
10. Replacement of existing windows with like size windows where no structural alteration is required to affect said change. Window opening size shall not be substantially diminished by replacement and in no instance shall a casement or slider style window be replaced with a double-hung window style, unless minimum egress standard is met.

***Section 105.5 Expiration.* Add the following text to the end of this section, “Every permit shall expire 2 years from the date of initial written approval and any remaining work will require a new permit including a new fee and deposit. At such time the original deposit will be forfeited to the City along**

**with the original permit fee.”** *The two years shall include any temporary occupancy of the building.*

*Section R106.3.1 Approval of construction documents.* Delete this section.

*Section R108.2 Schedule of permit fees.* Insert the Building Permit Fees as set forth by the City Council and a copy shall be on file at the City Clerk’s office.

**Section 110.2 Change in use. Delete this section.**

**Section 110.4 Temporary Occupancy.** Add the following text to the end of this section, “The owner of the building shall provide an additional cash deposit in the amount of \$1,000 that will be returned upon issuance of a final certificate of occupancy. If at any time the building permit is revoked or becomes invalid the deposit will be forfeited to the City.”

**In order to obtain a temporary occupancy the following items shall be completed:**

- 1. House numbers on the front of the building.**
- 2. Exterior siding (not just moisture barrier) placed on the building.**
- 3. Driveway surfaced as required by the zoning code.**
- 4. All smoke/carbon monoxide detectors installed per code.**
- 5. Handrails on all stairs as required by code.**
- 6. Hot water available as required by code.**
- 7. One working sink.**
- 8. One working toilet.**
- 9. One working tub or shower.**
- 10. Front stoop/stairs completed.**
- 11. Any deck over 30” above the adjacent grade must have guardrails installed as required by code or access to the deck denied by removing operational hardware from any exterior door entering the deck, or by other means that prevent the door from being unlocked and opened. Also any access from the ground level may not be put in place without guardrails on the deck for temporary occupancy to be allowed.**
- 12. Final approval by State Electrical Inspector.**

*Section R112.1 General.* Amend to read as follows:

Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this article may appeal such decision, notice or order to the board of appeals established pursuant to the current building code in force and effect in the jurisdiction of the City of Wayne, Nebraska. The procedure for said appeal shall be as published in said building code then currently in force and effect.

*Section R113.4 Violation penalties.* Amend to read as follows:

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of an offense and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or allowed, and upon conviction of any such violation, such person shall be punishable by a fine of not more than five hundred dollars (\$500.00).

*Section R114.1 Notice to owner.* Amend to read as follows:

Upon notice from the code official that work on any building or structure is being done contrary to the provisions of this code, such work shall immediately be stopped. The stop work order shall be in

writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to be resumed.

*Section R202 Definitions.* Add definitions of **“Crawl Space,”** “Sleeping Room” and “Building Envelope” as follows:

**CRAWL SPACE. An underfloor space that is not a basement. A crawl space shall have a minimum height of 30” from bottom of floor joists to top of concrete floor. Floor shall not be less than 3” thick. Supply and return from HVAC system shall be provided in each crawl space area.**

**SLEEPING ROOM.** Any room in a house that is greater than 70 square feet and has built-in closet space and typically could be used as a bedroom. This does not include rooms used for cooking, eating, family living, gathering, bathrooms, toilet rooms and halls.

**BUILDING ENVELOPE.** Building sections which separate inside, conditioned spaces from outside air.

*Table R301.2(1): CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.* Insert the following design criteria information.

Roof Snow Load:	30 lbs. per square foot
Ground Snow Load:	25 lbs. per square foot
Wind Speed:	<del>90</del> 115 mph
Seismic Design Category:	B
Subject to Damage from Weathering:	Severe
Subject to Damage from Frost Line Depth:	42 inches
Subject to Damage from Termite:	Moderate to Heavy
Subject to Damage from Decay:	None to Slight
Winter Design Temp:	4 Degrees
Flood Hazards:	Not Available

***Section R301.5 Table R301.5 Amend all 30 pound live loads to 40 pounds.***

*Section R302.5.1 Opening protection.* Amend. Delete “equipped with a self-closing device.”

***Section R302.7 Under-stair protection. Delete this section.***

***Section R302.12 Draftstopping. Delete this section.***

***Section R302.12.1 Materials. Delete this section.***

*Section R302.13 Fire protection of floors.* Delete this section.

*Section R303.7 Stairway illumination.* Amend to read as follows:

All interior and exterior stairways, serving a means of egress, shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. Exterior stairways

shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway.

*Section R309.5 Fire Sprinklers.* Delete **this text.** Add **“Garages located less than 10 feet from a dwelling unit on the same lot shall be protected with not less than 5/8” gypsum board applied to the interior and exterior walls.**

*Section R311.7.5.1 Risers.* Add Exception: 3. Secondary stairways serving only storage and utility areas need not comply with rise height and tread depth.

*Section 311.7.8.1 Height.* **Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 30 inches and not more than 38 inches.**

*Section R313 AUTOMATIC FIRE SPRINKLER SYSTEMS.* Delete this section.

*Section R314.2.2 Alterations, repairs and additions.* Delete text and exceptions. Replace with **“All dwelling units shall have operational interconnected smoke detectors. Smoke detectors shall be located as required by Section R314.3.”**

*Section R317.1.(1)* Amend to **“Wood joists or the bottom of a wood structural floor where closer than 30” to the top of the concrete crawl space floor.**

*Section R402.2 Concrete.* Add the following sentence: **“Garage floors and driveways or unreinforced concrete shall be a minimum of 4” thick.**

*Section R402.1.1 Minimum size.* Add **“Spread footings shall not be less than 16” wide or less than 8” thick with 2 courses of 1/2” rebar.”**

*Section R502.3 Allowable joist spans.* Amend to read as follows:

Spans for floor joists shall be in accordance with Table R502.3.1(2). For other grades and species and for other loading conditions, refer to the AF & PA Span Tables for Joists and Rafters.

*Section R502.3.1 Sleeping areas and attic joists.* Delete this section.

*Table R502.3.1(1) Floor Joist Spans For Common Lumber Species.* Delete this table.

*Section R502.3.2 Other floor joists.* Amend to read as follows:

*Table R502.3.1(2)* shall be utilized to determine the maximum allowable span of floor joists that support all areas of the building, provided that the design live load does not exceed 40 psf and the design dead load does not exceed 10 psf.

*Section R506.2.3 Vapor retarder.* Delete this section.

*Chapter 11:* Remove this chapter from the one- and two- family dwelling code, however retain the language therefrom and adopt it as Appendix R with the following notation:

“[This appendix is informative and is not part of the code and words or phrases that indicate

mandatory action (i.e. “shall”) in this Appendix R shall be read and construed as words or phrases that indicate recommended action (i.e. “should”).”

**Section M1305.1 Appliance access for inspection service, repair and replacement. Amend to add after last sentence: “Mechanical rooms containing two or more appliances shall not be less than 40 square feet in area nor less than 4 feet in width or depth.”**

**Section 1502.4.1 Material and size. Add after .....(No. 28 gauge): “or material approved by code official”.**

*Section G2409.1 (308.1) Scope.* Amend to read as follows:

This section shall govern the reduction in required clearances to combustible materials and combustible assemblies for chimneys, vents, appliances, devices, and equipment. Clearance requirements for air-conditioning equipment and central heating boilers and furnaces shall comply with Sections G2409.3 and G2409.4.

*Section P2603.5.1 Sewer depth.* Insert "48" inches in two locations.

**Section P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS. Delete this section.**

Adopt Appendix F - Radon Control Methods.

**Section AF103.1 General. Amend to add after last sentence: “Alternative system designs may be installed when approved by the code official”.**

**Section AF103.8.1 Vent fan location. The vent fan shall be located within three feet of an attic access opening.**

- 1) Exception: An elevated walkway above insulation is provided from attic access to vent piping. Walkway shall be elevated a minimum of 30” above bottom of ceiling joists and a minimum of 30” below bottom of rafters. Walkway shall be a minimum of 24” wide.**
- 2) Exception: Attic access and radon vent are both located within the garage footprint. Radon vent shall be exposed with the garage footprint and within 6 feet of an electrical outlet.**

Delete AF103.3 Soil-gas-retarder.

Delete AF103.5.2 Soil-gas-retarder.

Adopt Appendix G – Swimming Pools, Spas, and Hot Tubs.

(2002 Code, § 18-151) (Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010)

**Statutory reference:**

*Authority to adopt codes by reference, see Neb. RS 18-132*

Section 4. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.18 Plumbing code; Plumbers of the Wayne Municipal Code is amended to read as follows:

## § 150.18 PLUMBING CODE; PLUMBERS.

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of construction and uses of materials in the installation of plumbing, the “~~2012~~ 2018 International Plumbing Code” and all Appendices as published by The International Code Council, is hereby adopted as the plumbing code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (C) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.  
(2002 Code, § 18-181)

### (B) *Plumbers.*

(1) *Registration required.* No person shall hereafter engage in or work at the business of a master plumber or journeyman plumber in the city until he or she shall have registered as a master plumber or journeyman plumber. Application for registration shall be made in writing to the City Administrator, showing the name and residence of the applicant, the business location of the applicant and such other information as may be required.  
(2002 Code, § 18-201)

(2) *Registration of firm.* Any firm may be registered as a master plumber in the name of such firm; provided that, such firm shall have a master plumber who is duly registered as provided in this division (B). Such master plumber must be a bona fide officer of the firm or an employee who is regularly employed by the firm and is actually engaged in the planning, superintending and practical installation of plumbing and drainage. The master plumber listed and registered by such firm shall be in actual charge of and responsible for the installation, removal or repair of any plumbing or drainage work done by such firm.  
(2002 Code, § 18-202)

(3) *Expiration and renewal of registration.* All plumbers’ registrations shall expire on December 31 of the year in which they are issued, and shall not be assignable. Certificates of registration may be renewed upon payment of the required registration fee.  
(2002 Code, § 18-203)

### (4) *Revocation of certificate of registration.*

(a) The Council by a majority vote shall have power to revoke any master plumber’s or journeyman plumber’s certificate of registration upon the recommendation of the Building Inspector or his or her designated representative if the certificate was obtained through error or fraud, or if the recipient is shown to be grossly incompetent, or has a second time willfully violated any of the provisions of the Plumbing Code.

(b) If a certificate of registration is revoked, the holder shall not apply for registration for one year after such revocation.  
(2002 Code, § 18-204)

(5) *Unlawful transfer of certificate.* No registered plumber shall allow his or her name to be used by another person, directly or indirectly, to obtain a permit for the installation of any work; and, if any registered plumber violates this provision, the Council shall forthwith revoke the certificate of registration issued to such plumber. In addition to having his or her certificate of registration revoked, such master plumber may be prosecuted under § 10.99 of this code.

(2002 Code, § 18-205)

(6) *Fees.* The City Clerk shall collect all registration and renewal fees as occupation taxes and shall pay them to the School District within the city. The Council shall have the right to classify plumbers for the purpose of setting registration and renewal fees in such categories as it may, in its discretion, set. Such categories are declared to be reasonable and non-discriminatory. The actual amounts of the registration and renewal fees shall be on file at the office of the City Clerk.

(2002 Code, § 18-206)

(7) *Occupation tax.*

(a) For the purpose of raising revenue, an occupation tax for plumbers is levied in an amount to be set by the Council.

(b) The City Clerk shall collect all fees, permits, taxes and renewals and credit them to the General Fund.

(2002 Code, § 18-207)

(8) *Exceptions.* The provisions of this division (B) relating to plumbers shall not apply to any public utility company serving the city and its inhabitants under a franchise agreement with the city, or its agents and employees, and shall not be construed as a limitation or restriction upon any franchises granted by the city.

(C) *Additions, insertions, and changes.* The following sections of the mechanical code adopted in Section 150.18 (A) are hereby revised as follows:

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

*Section 106.2 Exempt work.* Amend to read as follows:

The following work shall be exempt from the requirement for a permit:

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.
3. The replacement of faucets and fixtures and water closets, provided the fixtures are not being relocated.

*Section 106.6. Fees.* Delete this section.

*Section 108.4 Violation penalties.* Amend to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than five hundred

dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 108.5 Stop work orders.* Amend to read as follows:

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than five hundred dollars (\$500.00).

*Section 109 Means of Appeal.* Delete this section in its entirety.

*Section 305.4 Freezing.* Amend to read as follows:

Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Water service piping shall be installed at a minimum of 60 inches below finished grade.

*Section 305.4.1 Sewer depth.* Amend to read as follows:

Building sewers that connect to public sewage disposal systems shall be installed to a minimum depth of 48 inches unless otherwise approved by the code official.

*Section 306.3 Backfilling.* Amend to read as follows:

Loose earth free from rocks, broken concrete, frozen chunks and other rubble, shall be placed in the trench in 6-inch layers and tamped in place to existing grade. The backfill under and beside the pipe shall be compacted for pipe support. Backfill shall be brought up evenly on both sides of the pipe so that the pipe remains aligned. In any instance where the manufacturer's installation instructions for materials are more restrictive than those prescribed by code, the material shall be installed in accordance with the more restrictive requirement.

Insert the following after *Section 403.5*

*Section 403.6 Service sinks.* Service sinks will not be required in structures or tenant spaces with less than 250 square feet of washable public floor area.

*Section 419.5 Tempered water for public hand-washing facilities.* Amend to read as follows:

Tempered water shall be delivered from public hand-washing facilities.

*Section 603.2 Separation of water service and building sewer.* Amend to read as follows:

Water service pipe and the building sewer shall be separated by 5 feet (1524mm) of undisturbed or compacted earth.

Exceptions:

1. The required separation distance shall not apply where the bottom of the water service pipe within 5 feet (1524mm) of the sewer is a minimum of 18 inches (457mm) above the top of the highest point of the sewer and the pipe materials conform to Table 702.3.
2. Water service pipe is permitted to be located in the same trench with a building sewer, provided such building sewer is constructed of materials listed in Table 702.2.

Insert the following after *Section 603.2.1*:

*Section 603.3: Tracer Wire.* An insulated copper tracer wire shall be installed adjacent to underground non-metallic water service piping. The tracer wire shall not be less than 12-gauge copper wire with insulation suitable for direct burial. The tracer wire shall be attached to the curb box cap and shall terminate at the water meter valve.

*Section 607.1.1 Temperature limiting means.* Delete this section.

*Section 607.1.2 Tempered water temperature control.* Delete this section.

***Section 608.8 Stop-and-waste valves prohibited. Amend to read as follows:***

**Combination stop-and-waste valves or cocks shall not be installed underground. Exception: Yard hydrants and fire hydrants.**

***Section 608.17.1.2 Coffee machines and noncarbonated beverage dispensers. Delete this section in its entirety.***

***Section 608.17.5 Connections to lawn irrigation systems. Amend to read as follows:***

**Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.**

*Section 705.2.2 Solvent cementing.* Amend to read as follows:

Joint surfaces shall be clean and free from moisture. An approved primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B 137.3, CSA B 181.2, or CSA B 182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

*Section 705.10.2 Solvent cementing.* Amend to read as follows:

Joint surfaces shall be clean and free from moisture. An approved primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B 137.3, CSA B 181.2, or CSA B 182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

***Section 706.3 Installation of fittings. Delete the exception in this section.***

*Section 714.1 Sewage backflow:* Amend to read as follows:

Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures. Plumbing fixtures having flood level rims above the elevation of the manhole cover of the next upstream manhole in the public sewer may discharge through a backwater valve.

Insert the following after *Section 714.3*:

*Section 714.4 Cleanouts.* All cleanouts located upstream from a backwater valve shall have notification that a backwater device is installed in the drainage system. Such notification shall be in the form of a warning label that is readily visible prior to servicing the drainage system. An accessible cleanout shall be installed immediately downstream from the backwater valve.

*Section 714.5 Repair or Replacement.* Backwater valves shall be installed as required when sewer service lines to existing structures are repaired or replaced.

*Section 903.1 Roof extension.* Insert: 12 inches

*Section 1111.1 Subsoil drains.* Amend to read as follows:

Subsoil drains shall be open-jointed, horizontally split or perforated pipe conforming to one of the standards listed in Table 1102.5. Such drains shall not be less than 4 inches (102 mm) in diameter. Where the building is subject to backwater, the subsoil drain shall be protected by an accessibly located backwater valve. Subsoil drains shall discharge to a trapped area drain, sump or approved location above ground. The subsoil sump shall be required to have a gas-tight cover. The sump and pumping system shall comply with Section 1113.1.

(D) *Appeals.* Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this section may appeal such decision to the board of appeals established pursuant to the building code in force in the city. The procedure for such an appeal shall be as provided in the building code in force in the city.

(2002 Code, § 18-208)

(Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010)  
Penalty, see § 150.99

***Statutory reference:***

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

*Related provisions, see Neb. RS 18-1908 through 18-1911*

Section 5. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.19 Mechanical Code of the Wayne Municipal Code is amended to read as follows:

**§ 150.19 MECHANICAL CODE.**

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection and uses of materials in the installation of HVAC equipment, the “~~2012~~ 2018 International Mechanical Code” and all Appendices, as published by the International Code Council, is hereby adopted as the mechanical code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in

paragraph (C) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(B) The provisions of this section relating to HVAC installers shall not apply to any public utility company.

(C) *Additions, insertions, and changes.* The following sections of the mechanical code adopted in Section 150.19 (A) are hereby revised as follows:

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

*Section 106.5: Fees.* Delete this section.

*Section 108.4: Violation penalties.* Amend to read as follows:

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

*Section 108.5: Stop work orders.* Amend to read as follows:

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

*Sections 109.2 through 109.7:* Delete these sections in their entirety.

*Section 202: GENERAL DEFINITIONS.* Add definition:

PACKAGED TERMINAL AIR CONDITIONER (PTAC). A type of self-contained heating and air conditioning system unit commonly found in hotels, motels, senior housing facilities, hospitals, condominiums, apartments, add-on rooms, and sun rooms.

***Section 805.3 Factory built chimney offsets. Delete this section in its entirety.***

(D) *Appeals.* Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this section may appeal such decision to the board of appeals established pursuant to the building code in force in the city. The procedure for such an appeal shall be as provided in the building code in force in the city.

(2002 Code, § 18-351) (Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010)

Section 6. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section

150.31 Property Maintenance Code of the Wayne Municipal Code is amended to read as follows:

**§ 150.31 PROPERTY MAINTENANCE CODE.**

(A) *Adopted by reference.* To provide certain minimum maintenance standards, provisions, and requirements for existing buildings the ~~2012~~ **2018** International Property Maintenance Code , as published by the International Code Council, Inc., is hereby adopted as the property maintenance code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (C) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(2002 Code, § 18-242) (Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2011-8, passed 8-16-2011)

**Statutory reference:**

*Authority to adopt codes by reference, see Neb. RS 18-132*

(B) *Conflicts.* In the event of a conflict between the provisions of the publication adopted by reference in this subchapter and any other provisions of this code, such other provisions shall be controlling. (2002 Code, § 18-243) (Ord. 2011-8, passed 8-16-2011)

(C) *Additions, insertions, and changes.* The following sections of the property maintenance code adopted in Section 150.31 (A) of this chapter are hereby revised as follows:

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

*Section 103.5 Fees.* Amend section to read as follows:

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be charged as necessary to reasonably recover costs.

*Section 110.1 General.* Amend section to read as follows:

The Code Official shall order the owner of any structure or the owner of the premises upon which any structure is located that has been condemned by the Code Official pursuant to this code, or in the Code Official’s judgment is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the structure owner’s or property owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal.

*Section 110.3 Failure to comply.* Amend section to read as follows:

Any person who fails to comply with a demolition order within the time prescribed shall be deemed guilty of an offense punishable by a fine of not less than five hundred dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The Code Official may cause the structure to be demolished and removal shall be charged against the real estate upon which

the structure is located and shall be a lien upon such real estate.

*Section 111.1 Application for appeal.* Amend section to read as follows:

Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. A fee set forth by the city Council shall accompany each application for appeal to the board of appeals; and a schedule of such fees is on file and available in the City Clerk's office. Such fee shall be refunded to the applicant in the event the board of appeals finds in favor of the applicant. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

***Section 111.3 Notice of meeting.* Amend section to read as follows:**

**“The board shall meet upon notice from the chairperson, within 60 days of the filing of an appeal, or at stated periodic board meetings.”**

*Section 112.4 Failure to comply.* Insert: 100 and 500

*Section 302.4 Weeds.* Insert: twelve (12) inches

*Section 304.14 Insect Screens.* Insert: April 1 to November 1

*Section 602.3 Heat Supply.* Amend section to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 F. (20 C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

*Section 602.4 Occupiable work spaces:* Amend section to read as follows:

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 F. (18 C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(2002 Code, § 18-244) (Ord. 2011-8, passed 8-16-2011)

***Section (F) 704.6.2 Interconnection.* Add the following to end of section:**

**Upon change of occupant/tenant or change of ownership/offer to sell a property, the owner of**

**the property shall verify that interconnected smoke alarms are provided as per R314.2.2 of the 2018 International Residential Code as amended by the city of Wayne. Smoke alarms installed after June 1, 2021 shall be interconnected.**

Section 7. That Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.32 Energy Conservation Code of the Wayne Municipal Code is amended to read as follows:

**§ 150.32 ENERGY CONSERVATION CODE.**

(A) *Adopted by reference.* To provide certain minimum energy conservation standards, provisions, and requirements for new buildings the ~~2012~~ **2018** International Energy Conservation Code, as published by the International Code Council, Inc., is hereby adopted as the energy conservation code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions, and changes, if any, prescribed in paragraph (C) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(B) *Additions, insertions, and changes.*

The following sections of the energy conservation code adopted in Section 150.32 (A) of this chapter are hereby revised as follows:

***Section C101.1 Title. Insert: the City of Wayne, Nebraska.***

***Section C109.1 General. Amend to read as follows:***

**Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this article may appeal such decision, notice or order to the board of appeals established pursuant to the building code in force and effect in the jurisdiction of the City of Wayne, Nebraska. The procedure for said appeal shall be as published in said building code then currently in force and effect.**

***Sections C109.2 and C109.3 Delete these sections in their entirety.***

***Section C402.2.2 Above grade walls. Add after first paragraph, "Exterior wall cavities of conditioned spaces shall be filled to a minimum of 98% capacity with insulation."***

IECC-Residential Provisions. Delete this section in its entirety.

(C) *Energy conservation standards.* Minimum requirements are as follows:

(a) Ceiling: ~~R-49~~ **R-60** insulation.

(b) Frame walls: R-20 (combined R-value of wall elements).

**(1) Exterior wall cavities of conditioned spaces shall be filled to a minimum of 98% capacity with insulation.**

(c) Slab edge (on-grade): R-10 insulation, ~~twenty-four (24) inches down from top of slab from top of slab to 42"~~ **below finished grade.**

- (d) Floors (over unheated spaces): R-38 insulation.
- (e) Finished basement walls: ~~R-14~~ **R-18** (Combined R-value of wall elements).
- (f) Crawl spaces: R-10 insulation. Shall be a conditioned space. Floor shall be covered with not less than three (3) inches of concrete.
- (g) Windows: Minimum of double-glazed and maximum U-factor of .30.
- (h) Doors:
  - (1) Sliding glass: Double-glazed, maximum U-value of ~~.35~~ **.30**.
  - (2) Swinging: Maximum U-value of .35 based on testing prior to installation of glazing.
- (i) Weatherstripping/caulking: Whatever is necessary to minimize infiltration.
- (j) HVAC equipment.
  - (1) Heat pumps – Heating mode:
    - a. COP=2.5/1.5 (air source).
    - b. COP=2.5 (water source).
  - (2) Boilers and furnaces: Combustion efficiency equals eighty-two (~~80~~ **82**) percent.
  - (3) Air Conditioners/heat pumps – Cooling: SEER minimum rating 15.0.
  - (4) Controls: Each system controlled by thermostat; heating system capable of setback to fifty-five (55) Fahrenheit; cooling system capable of setup to eighty-five (85) Fahrenheit.
  - (5) All duct work shall be located within the conditioned envelope of the dwelling. Duct work within an attic shall be considered to be in a conditioned space when,
    - a. Immediately adjacent to conditioned living spaces, and
    - b. Remaining surfaces are covered by not less than ~~R-49~~ **R-60** insulation.Joints in duct work shall be sealed as required by HVAC equipment manufacturer.
- (k) Insulate exterior of foundation of slab-on-grade heated structures or provide a thermal break between floor and exterior foundation.
- (l) When proposed rehabilitation of a structure exceeds 50% of assessed value, the structure shall meet or exceed all energy code requirements adopted by the City of Wayne.

- (m) Radon venting shall not be located within walls that are required to be insulated unless minimum R-values can be achieved.
- (n) A minimum R-value of R-44 shall be maintained above all exterior wall plates of conditioned spaces.

Deviations from above requirements require approval of the code official.

Section 8. That Title XV Land Usage, Chapter 150 Building Regulations; Construction of the Wayne Municipal Code is hereby amended by adding the following section:

**§ 150.33 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY.**

Any structure becoming uninhabitable, unusable or unoccupiable as a result of fire, flood, wind, disaster or other calamity shall be completely repaired within one year of the fire, flood, wind, disaster or other calamity. If repairs are not completed within one year, the structure shall be inspected by the Code Official. If following the inspection, the structure is determined to be uninhabitable, unusable or unoccupiable by the Code Official, the structure shall be demolished by the owner of the property. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal. Any appeal of the Code Official's decision shall be governed by the appeal provisions contained in the property maintenance code adopted by the city.

(2002 Code, § 18-245) (Ord. 2011-8, passed 8-16-2011)

Section 9. That the original Sections and all ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 10. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. This ordinance may be published in pamphlet form as authorized by law.

PASSED AND APPROVED this 1<sup>st</sup> day of June, 2021.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk