

Chapter 9
BUILDING REGULATIONS

Article 1. Building Inspector

§9-101 BUILDING INSPECTOR; ENFORCEMENT OFFICER. *(Repealed by Ord. 02-09, 2/18/02)*

§9-102 BUILDING INSPECTOR; RIGHT OF ENTRY. *(Repealed by Ord. 02-09, 2/18/02)*

§9-103 BUILDING INSPECTOR; INSPECTIONS, PROCEDURES. *(Repealed by Ord. 02-09, 2/18/02)*

§9-104 BUILDING INSPECTOR; DEVIATION FROM CODES. *(Repealed by Ord. 02-09, 2/18/02)*

§9-105 BUILDING INSPECTOR; BOARD OF APPEALS. *(Repealed by Ord. 02-09, 2/18/02)*

Article 2. Building Permits

§9-201 BUILDING PERMITS REQUIRED.

No person or firm may commence or proceed to erect, construct, enlarge, demolish, or relocate any building, dwelling, or part thereof, or cause the same to be done without first obtaining a permit from the City or State of Nebraska. The application shall be in writing on forms provided by the City Clerk and shall cover only one building per application. Each application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principle dimensions, the estimated cost, the name(s) of the owner, architect/engineer, the contractor and such other information as may be requested to complete the review of the application. All new electrical services, additions to or modification of existing electrical systems will require a permit from the State of Nebraska Electrical Division. Routine maintenance which means the repair or replacement of existing electrical apparatus and equipment of the same size and type for which no changes in wiring are made are exempt from these permit requirements.

The application, plans and specifications as filed shall be checked and examined by the Building Inspector who shall either approve or disapprove the application within thirty (30) days of receipt of the application. If the application is found to be within conformity with the requirements of this Chapter and all other ordinances applicable, upon payment of the required fee the Building Inspector shall issue the applicant a permit and shall sign the application and mark the plans Approved. If the application is not in conformity with the required regulations, the Building Inspector shall state in writing on the application and/or the plans the reason for the disapproval.

Whenever there is a discrepancy between the permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern. *(Amended by Ord. 09-07, 5/4/09; 11-11, 5/2/11)*

§9-202 BUILDING PERMITS; INSURANCE REQUIRED. No permit shall be issued by the Building Inspector until the person or firm requesting said permit shall have on deposit with the City Clerk adequate proof of liability insurance coverage. Minimum liability insurance coverage requirements shall be set by resolution of the City Council and shall remain in effect until superceded by a later resolution of that Body.

The Clerk may assign an insurance number to the contractor to facilitate processing of applications and permits.

§9-203 BUILDING PERMITS; JOB SITE TAG, UTILITY CONNECTIONS. *(Repealed by Ord. 02-09, 2/18/02)*

§9-204 BUILDING PERMITS; FEES. The City Council shall by resolution adopt a fee schedule for permits and inspections under this Article and said schedule shall remain in effect until superceded by a later resolution of that Body. *(Fees determined under Resolution 08-13)*

Whenever any work for which a permit is required has been commenced without first obtaining said permit, an investigative fee in addition to the permit fee shall be collected. The minimum investigative fee shall be equal to the amount of the permit fee required.

Exception: No double fee penalty set forth in this chapter shall be imposed if:

- (a) The work is on an emergency nature where a delay in performing the work may cause a risk to life or health or will significantly increase the risk of property damage, provided a permit is applied for within 48 hours of completion of the work, in which case no penalty shall be imposed; or
- (b) An applicant applies for a permit after the work has begun, but before the work is observed and record by a city inspector, in which case, a one and one-half fee shall be imposed.

Fee refunds: The Building Inspector may authorize refunding of any fee paid which was erroneously paid or collected. The Building Inspector shall not authorize refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

The Building Inspector may authorize refunding of not more than 80 percent of the building permit fee when work authorized by said permit has not been commenced. The plan review fee is not refundable. *(Amended by Ord. 09-07, 5/4/09)*

§9-205 BUILDING PERMITS; PERSONAL ALTERATIONS AND ADDITIONS. Any homeowner may remodel, including carpentry, plumbing, wiring, and mechanical work only in a single-family residence which he occupies as his own home. All equipment installed by an owner shall be for personal use without compensation or pay from or to any other person for such labor or installation. Such installation by an owner shall comply with the requirements of this code, and the owner, in exercising this privilege, shall not set himself up as a contractor. The owner shall be required to file plans, apply for, and secure a permit, pay fees, and call for all inspections in the manner provided in this Code. However, he shall be exempt from the insurance requirements of this Article. *(Amended by Ord. 09-07, 5/4/09)*

§9-206 BUILDING PERMITS; DUPLICATE TO COUNTY ASSESSOR. Whenever a building permit is issued for the erection, alteration, or repair of any building within the Municipality's jurisdiction, and the improvement is one thousand dollars (\$1,000.00) or more, a duplicate of such permit shall be issued to the County Assessor. (*Ref. 18-143 RS Neb.*)

Article 3. Building Moving

§9-301 BUILDING MOVING; REGULATIONS. It shall be unlawful for any person, firm, or corporation to move any building or structure within the Municipality without a written permit to do so. Application may be made to the Municipal Clerk, and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the Governing Body may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The Municipal Clerk shall refer the said application to the Chief Law Enforcement Officer for approval of the proposed route over which the said building is to be moved. Upon approval of the Governing Body, the Municipal Clerk shall then issue the said permit; Provided, that a good and sufficient corporate surety bond in the amount of five thousand dollars (\$5,000.00) and conditioned upon moving said building without doing damage to any private or Municipal property is filed with the Municipal Clerk prior to the granting of any permit. No moving permit shall be required to move a building that is ten feet (10') wide, or less, and twenty feet (20') long, or less, and when in a position to move, fifteen feet (15') high, or less. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the said poles, wires, or line shall upon proper notice of at least twenty-four (24) hours, be present and assist by disconnecting the said poles, wires, or line relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the Municipality, notice in writing of the time and route of the said building moving operation shall be given to the various Municipal officials in charge of the Municipal utility departments who shall proceed in behalf of the Municipality and at the expense of the mover to make such disconnections and do such work as is necessary.

§9-302 BUILDING MOVING; DEPOSIT. At such time as the building moving has been completed, the Building Inspector shall inspect the premises and report to the Municipal Clerk in writing as to the extent of damages, if any, resulting from the said relocation and whether any Municipal laws have been violated during the said operation. Upon a satisfactory report from the Building Inspector, the Municipal Clerk shall return the corporate surety bond deposited by the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the Governing Body may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the five thousand dollar (\$5,000.00) corporate surety bond, the Governing Body may recover such excess expense by civil suit or otherwise as prescribed by law.

§9-303 BUILDING MOVING; BARRICADES AND LIGHTS. (Repealed by Ord. 02-09, 2/18/02)

Article 4. Unsafe Buildings

§9-401 UNSAFE BUILDINGS; DEFINITION. (Repealed by Ord. 02-09, 2/18/02)

§9-402 UNSAFE BUILDINGS; PROHIBITION. (Repealed by Ord. 02-09, 2/18/02)

Article 5. Adopted Codes

§9-501 BUILDING CODE; ADOPTED BY REFERENCE.

(1) To provide minimum regulations governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; the 2012 International Building Code Ninth edition, including Appendices G and J, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code for the Municipality; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in the following:

Section 101.1 Section 101.1 Section 101.1 *Insert:* City of Waverly

Section 105.2 *Delete:* Work exempt from permit

1. One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet.
2. Fences not over 7 feet high.

Section 1612.3 *Insert* City of Waverly, February 18, 2011

Section 1807.3 *Insert:* Embedded posts and poles. Designs employing posts or poles as columns embedded in earth or concrete are not permitted in areas zoned R-1 through R-4. Concrete footings extending to below the frost line are required for all structures except those with an area of less than 400 square feet.

Section 1809.5 *Insert:* Frost Protection. All buildings subject to conditioned air (heating and cooling) shall have a continuous concrete perimeter all extending to below the frost line and shall have vertical insulation R- value of at least R-5.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I, in accordance with Section 1604.5;
2. Area of 400 square feet (37 m²) or less; and
3. Eave height of 10 feet (3048 mm) or less

Section 3412.2 *Insert:* March 18, 2002

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2006 International Building Code, and that one (1) copy of the Building Code is on file at the office of the City Clerk and is available for inspection at any reasonable time. The provisions of said Building Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.) (Amended by Ord. No. 84-9, 11/19/84, 02-09, 2/18/02; 06-06, 3/6/06; 09-07, 05/04/09; 15-15, 9/8/15)

§9-502 RESIDENTIAL CODE; ADOPTED BY REFERENCE.

(1) To provide for the regulation and controlling of the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two family dwellings and townhouses; and providing for the issuance of permits and collection of fees. Each and all of the regulations, provisions, conditions and terms of the International Residential Code 2012 edition, including Appendices A, B, C, D, G, H, and N, published by the International Code Council on file in the office of the Municipality are hereby referred to, adopted and made a part hereof as if fully set out within this ordinance with the following revisions to these sections:

Section R101.1*Insert:* City of Waverly

Section R105.2*Insert:* Work exempt from permit

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 80 square feet.
2. Sidewalks and driveways on private property.

Section R105.2*Delete:* Work exempt from permit

1. Fences not over 7 feet high.
2. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Table R301.2(1)*Insert:*

TABLE R301.2(1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GRO UND SNO W LOA D	WI ND SPE ED (mp h)	SEISMI C DESIGN CATEG ORY	SUBJECT TO DAMAGE FROM			WIN TER DESI GN TEM P	ICE BARRIER UNDERLA YMENT REQUIRED	FLOOD HAZAR DS
			Weath- ering	Fros t Lin e Dep th	Ter- mite			
30 psf	90 mph	B	Severe	36 inch	Mod- erate to Heavy	-2	Yes	a)1982, b)2011, c)2011 & 2013

AIR FREEZING INDEX	MEAN ANNUAL TEMPERATURE
1600	50.9

Section R303.3*Insert:* Bathrooms. Bathrooms, water closet compartments, laundry rooms, and other similar rooms shall be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cfm for intermittent ventilation or 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside. In laundry rooms, dryers vented directly to the outside are deemed to meet the requirements of this section.

Section R313*Delete:* Automatic Fire Sprinkler Systems (Whole Section & Subsection)

Section P2903.7 *Insert:* Size of water-service mains, branch mains and risers. The size of the water service pipe shall be not less than 1 inch (19.1 mm) diameter.

Section P2903.9.1*Insert:*Service Valve. Each dwelling unit shall be provided with an accessible main shutoff valve near the entrance of the water service and prior to the water meter. The valve shall be provided immediately following the water meter. Additionally, the water service shall be valved by means of an approved ground key stopcock between the curb and property line at or near the property line.

Section P2905.4*Insert:*Water Service Pipe. Water service pipe shall conform to NSF 61 and shall conform to the respective standards posted in Table P2905.4. Water service pipe shall be soft temper copper service tubing, Type K, meeting ASTGM B-88, or polyethylene (PE) plastic pipe. Polyethylene (PE) plastic pipe shall meet the standards of ASTM D-2239, and shall have a minimum working pressure of 200 PSI. Fittings for polyethylene (PE) plastic pipe shall be brass, and all joints and fittings shall be double clamped.

Section P2905.5*Insert:*Water-Distribution Pipe. Water distribution pipe shall conform to NSF 61 and shall conform to the respective standard posted in Table P2905.5. Water distribution pipe shall be copper tube, copper pipe or cross-linked polyethylene (PEX) plastic tubing. Cross-linked polyethylene (PEX) plastic tubing shall meet the standards of ASTM 877. Fittings shall be cast and machined from a solid bronze alloy. Sleeves for the press fittings shall be stainless steel.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2012 International Residential Code, and one (1) copy of the Building Code is on file at the office of the City Clerk and is available for inspection at any reasonable time. The provisions of said Building Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref. 17-1001, 18-132, 19-901, 19-922 RS Neb.*)(*Amended by Ord. 02/09, 2/18/02; 05-01, 3/7/05; 06-23, 11/6/06; 09-07, 05/04/09; 11-17, 08/2/11; 15-15, 9/8/15*)

§9-503 INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTED BY REFERENCE.

1) For regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting, and power systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code 2009 Edition, published by the International Code Council, on file in the Office of the City of Waverly and hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2006 International Energy Conservation Code, and one (1) copy of the Building Code

is on file at the office of the Municipality and is available for inspection at any reasonable time. The provisions of said Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction and made a part hereof as if fully set out within this ordinance with the following revisions to these sections:

Section 101.1 Insert: City of Waverly

Section 108.4 Insert: a Class II Misdemeanor

(Established by Ord. 05-09, 7/18/05; Amended by Ord. 09-07, 05/04/09; 11-24, 11/15/11)

§9-504 ELECTRICAL CODE; ADOPTED BY REFERENCE. *(Repealed by Ord. 02-09, 2/18/02)*

§9-505 PLUMBING CODE; ADOPTED BY REFERENCE.

(1) For regulating and governing the design, construction, quality of materials, installation, alteration, repair, location, relocation, replacement, addition to , use or maintenance of the plumbing systems as herein provided each and all of the regulations, provisions, penalties, conditions and terms of the International Plumbing Code , 2012 Edition, including Appendices E and F, published by the International Code Council on file in the office of the Municipality is hereby referred to, adopted, and made a part of as if fully set out in this ordinance.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2012 International Plumbing Code, and one (1) copy of the Code is on file at the office of the City Clerk and is available for inspection at any reasonable time. The provisions of said Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. *(Amended by Ord. 09-07, 05/04/09; 15-15, 9/8/15)*

§9-506 MECHANICAL CODE; ADOPTED BY REFERENCE.

(1) For regulating and governing the design, construction, quality of materials, installation, alteration, repair, location, relocation, replacement, addition to , use or maintenance of the mechanical systems as herein provided each and all of the regulations, provisions, penalties, conditions and terms of the International Mechanical Code , 2012 Edition, including Appendix A, published by the International Code Council on file in the office of the Municipality is hereby referred to, adopted, and made a part of as if fully set out in this ordinance.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2012 International Mechanical Code, and one (1) copy of the Code is on file at the office of the City Clerk and is available for inspection at any reasonable time. The provisions of said Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. *(Amended by Ord. 09-07, 05/04/09; 15-15, 9/8/15)*

§9-507 GAS PIPING CODE; ADOPTED BY REFERENCE.

(1) For regulating and governing the design, construction, quality of materials, installation, alteration, repair, location, relocation, replacement, addition to , use or maintenance of the fuel gas piping in or in connection with a building or structure within the property lines of premises, other than service pipe as herein provided each and all of the regulations, provisions, penalties, conditions and terms of the International Fuel Gas Code ,

2012 Edition, including all Appendices, published by the International Code Council on file in the office of the Municipality is hereby referred to, adopted, and made a part of as if fully set out in this ordinance.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2012 International Fuel Gas Code, and one (1) copy of the Code is on file at the office of the City Clerk and is available for inspection at any reasonable time. The provisions of said Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. *(Amended by Ord. 09-07, 05/04/09; 15-15, 9/8/15)*

§9-508 EXISTING BUILDING CODE; ADOPTED BY REFERENCE.

(1) For regulating and governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings, including historic buildings, as herein provided each and all of the regulations, provisions, penalties, conditions and terms of the International Existing Building Code, 2012 Edition, published by the International Code Council on file in the office of the Municipality is here by referred to, adopted, and made a part of as if fully set out in this ordinance.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2012 International Existing Building Code, and one (1) copy of the Code is on file at the office of the City Clerk and is available for inspection at any reasonable time. The provisions of said Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. *(Amended by Ord. 09-07, 05/04/09; 15-15, 9/8/15)*

§9-509 PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE.

(1) For regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for the supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures, as herein provided each and all of the regulations, provisions, penalties, conditions and terms of the International Property Maintenance Code , 2012 Edition, published by the International Code Council on file in the office of the Municipality is hereby referred to, adopted, and made a part of as if fully set out in this ordinance.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2012 International Property Maintenance Code, and one (1) copy of the Code is on file at the office of the City Clerk and is available for inspection at any reasonable time. The provisions of said Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. *(Amended by Ord. 09-07, 05/04/09; 15-15, 9/8/15)*

§9-510 CONFLICT WITH ADOPTED CODES.

Article 6. Minimum Lighting & Thermal Efficiency

(Repealed by Ord. 02-09, 2/18/02; amended by Ord. 09-07, 5-4-09)

- §9-601 MINIMUM LIGHTING AND THERMAL EFFICIENCY; NEED; PURPOSE; SHORT TITLE.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-602 MINIMUM LIGHTING AND THERMAL EFFICIENCY; APPLICATION, SCOPE, EXEMPTIONS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-603 THERMAL INSULATIONS; DEFINITIONS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-604 THERMAL INSULATION; INSULATION REQUIREMENTS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-605 THERMAL INSULATION; WALLS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-606 THERMAL INSULATION; GLAZING AND DOORS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-607 THERMAL INSULATION; SLAB-AT-GRADE FLOORS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-608 THERMAL INSULATION; AIR LEAKAGE; DOORS AND WINDOWS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-609 THERMAL INSULATION; FIREPLACES.** *(Repealed by Ord. No. 99-12, 4/5/99)*
- §9-610 THERMAL INSULATION; ATTICS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-611 THERMAL INSULATION; CAULKING AND SEALANTS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-612 THERMAL INSULATION; VAPOR BARRIERS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-613 THERMAL INSULATION; BUILDING ENVELOPE ALTERNATIVE.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-614 MINIMUM LIGHTING AND THERMAL EFFICIENCY; REQUEST FOR ALTERNATIVE BUILDING SYSTEM; APPROVAL.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-615 INSPECTION; INVESTIGATIONS.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-616 BUILDING PLANS; SUBMISSION FOR APPROVAL.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-617 FEES.** *(Repealed by Ord. 02-09, 2/18/02)*
- §9-618 WHEN ARCHITECT OR ENGINEER IS RETAINED.** *(Repealed by Ord. 02-09, 2/18/02)*

§9-619 MUNICIPAL MINIMUM LIGHTING AND THERMAL EFFICIENCY; VIOLATION; PENALTY; ENFORCEMENT. *(Repealed by Ord. 02-09, 2/18/02)*

Article 7. Building Regulations

§9-701 BUILDING REGULATIONS; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX. *(Repealed by Ord. 02-09, 2/18/02)*

Article 8. Penal Provision

§9-801 VIOLATIONS; PENALTY. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter shall be deemed guilty of a Class II Misdemeanor as defined by §6-501 of this Code. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Amended by Ord. 07-05, 5/7/07)*