

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Title 20 of the Lincoln Municipal Code by creating a  
 2 new Chapter 20.08 to adopt the 2000 edition of the International Building Code, with amendments,  
 3 additions and deletions thereto, to establish the minimum regulations governing the conditions and  
 4 maintenance of all property, buildings and structures; to provide the standards for supplied utilities  
 5 and facilities and other physical things and conditions essential to ensure that structures are safe,  
 6 sanitary and fit for occupation and use; and to provide for the condemnation of buildings and  
 7 structures unfit for human occupancy and use and the demolition of such structures, within the City  
 8 of Lincoln.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Title 20 of the Lincoln Municipal Code be amended by adding a new  
 11 section numbered 20.08.010 to read as follows:

12 **20.08.010 Adoption of International Building Code, 2000 Edition.**

13 Except as hereinafter provided by specific amendment, the following publications are hereby  
 14 adopted and incorporated into Title 20 of the Lincoln Municipal Code:

15 (a) International Building Code, 2000 Edition, First Printing (including Appendix C, as  
 16 published by the International Code Council, Inc.) hereinafter referred to as the International  
 17 Building Code.

18 (b) Elevated Residential Structures HUD-FLA-184, dated September, 1984, published  
 19 by U.S. Government Printing Office: 1976 0-222-193.

1 (c) Flood-proofing Non-residential Structures, F.E.M.A. Publication No. 102, dated May,  
2 1986.

3 The documents described in (b) and (c) above are adopted for reference to design standards  
4 and techniques only, as they relate to "floodproofing" of approved buildings located in the flood  
5 hazard areas of the City of Lincoln, Nebraska, as set forth in Chapter 27.55 "Flood Plain District"  
6 of the Lincoln Municipal Code.

7 One printed copy of each publication described above has been filed in the office of the City  
8 Clerk for use of and examination by the public.

9 Section 2. That Title 20 of the Lincoln Municipal Code be amended by adding a new  
10 section numbered 20.08.020 to read as follows:

11 **20.08.020 Section 101.1 Amended; Citation of Code.**

12 Section 101.1 of the International Building Code is amended to read as follows:

13 **101.1 Citation of code.** These regulations shall be known and cited as the "Lincoln Building  
14 Code" and will be referred to herein as "this code."

15 Section 3. That Title 20 of the Lincoln Municipal Code be amended by adding a new  
16 section numbered 20.08.030 to read as follows:

17 **20.08.030 Section 101.3 Amended; Intent.**

18 Section 101.3 of the International Building Code is amended to read as follows:

19 **101.3 Intent.** The intent of this code is to provide minimum standards to safeguard life or  
20 limb, health, property, and public welfare by regulating and controlling the design, construction,  
21 quality of materials, use and occupancy, location, and maintenance of all buildings and structures  
22 within the city and within three miles of the corporate limits of the city and outside of any other  
23 organized city or village, and regulating certain equipment specified herein.

1           The intent of this code is not to create or otherwise establish or designate any particular case  
2 or group of persons who will or should be especially protected or benefitted by the terms of this  
3 code.

4           Section 4. That Title 20 of the Lincoln Municipal Code be amended by adding a new  
5 section numbered 20.08.040 to read as follows:

6           **20.08.040     Section 101.4 Amended; Referenced Codes.**

7           Section 101.4 of the International Building Code is amended to read as follows:

8           **104.1 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.4 and  
9 referenced elsewhere in this code shall be considered part of the requirements of this code to the  
10 prescribed extent of each such reference.

11           **104.1.1 Electrical.** The provisions of the Lincoln Electric Code, Chapter 23.10 of  
12 the Lincoln Municipal Code, shall apply to the installation of electrical systems, including  
13 alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

14           **104.1.2 Gas.** The provisions of the Lincoln Gas Piping Systems Code, Chapter  
15 24.05 of the Lincoln Municipal Code, shall apply to the installation of gas piping from the point of  
16 delivery, gas appliances and related accessories as covered in this code. These requirements apply  
17 to gas piping systems extending from the point of delivery to the inlet connections of appliances and  
18 the installation and operation of residential and commercial gas appliances and related accessories.

19           **104.1.3 Mechanical.** The provisions of the Lincoln Heating, Ventilating, and  
20 Cooling Code, Chapter 25.03 of the Lincoln Municipal Code, shall apply to the installation,  
21 alterations, repairs, and replacement of mechanical systems, including equipment, appliances,  
22 fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and  
23 refrigeration systems, incinerators, and other energy-related systems.

1           **101.4.4 Plumbing.** The provisions of the Lincoln Plumbing Code, Chapter 24.10 of the  
2 Lincoln Municipal Code, shall apply to the installation, alterations, repairs, and replacement of  
3 plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where  
4 connected to a water or sewage system and all aspects of a medical gas system.

5           Section 5. That Title 20 of the Lincoln Municipal Code be amended by adding a new  
6 section numbered 20.08.050 to read as follows:

7           **20.08.050     Section 103.1 Amended; Director of Building and Safety; Duty.**

8           Section 103.1 of the International Building Code is amended to read as follows:

9           **103.1 Director of building and safety; duty.** The Department of Building and Safety is  
10 hereinafter designated as the building department under the jurisdiction of the Director of Building  
11 and Safety, who is hereinafter designated as the building official.

12           Section 6. That Title 20 of the Lincoln Municipal Code be amended by adding a new  
13 section numbered 20.08.060 to read as follows:

14           **20.08.060     Section 105.1 Amended; Permits Required.**

15           Section 105.1 of the International Building Code is amended to read as follows:

16           **105.1 Permits required.** No person, firm, or corporation shall erect, construct, enlarge,  
17 alter, repair, move, improve, remove, convert, or demolish any building, structure, swimming pool,  
18 or parking lot in the city, or within three miles of the corporate limits of the city and outside of any  
19 other organized city or village, or cause the same to be done, without first obtaining a building  
20 permit from the building official. A separate building permit is required for each building or  
21 structure. A building permit for a building or structure may also permit work on a swimming pool  
22 and parking lot if the plans for the swimming pool or parking lot are approved by the building  
23 official in conjunction with issuance of the building permit.

1                   Section 7. That Title 20 of the Lincoln Municipal Code be amended by adding a new  
2 section numbered 20.08.070 to read as follows:

3                   **20.08.070     Section 105.2 Amended; Exempted Work.**

4                   Section 105.2 of the International Building Code is amended to read as follows:

5                   **105.2 Exempted work.** A building permit will not be required for the following:

- 6                   (1)     Fences not over 6 feet 4 inches high;
- 7                   (2)     Cases, counters, or partitions not over 5 feet 9 inches high;
- 8                   (3)     Retaining walls which are not over 4 feet in height unless supporting a surcharge or  
9 impounding flammable liquids;
- 10                  (4)     Painting, papering, and similar finish work;
- 11                  (5)     Window awnings supported by an exterior wall of Group R, Division 3, and Group  
12 M Occupancies when projecting not more than thirty-six inches into a front or rear yard may project  
13 into a side yard twenty-four inches or two-fifths of the required side yard (in accordance with Title  
14 27 of the Lincoln Municipal Code);
- 15                  (6)     Shingling and residing.

16                  Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical  
17 permits will be required for the above exempted items. Exemption from the permit requirements  
18 of this code shall not be deemed to grant authorization for any work to be done in any manner in  
19 violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

20                  Section 8. That Title 20 of the Lincoln Municipal Code be amended by adding a new  
21 section numbered 20.08.080 to read as follows:

22                  **20.08.080     Section 106.1 Amended; Submittal Documents.**

23                  Section 106.1 of the International Building Code is amended to read as follows:

1           **106.1 Submittal documents.** Plans, specifications, legal surveys, engineering calculations,  
2 diagrams, soil investigation reports, special inspection and structural observation programs and other  
3 data shall constitute the submittal documents and shall be submitted in one or more sets with each  
4 application for a permit. When such plans are not prepared by an architect or engineer, the building  
5 official may require the applicant submitting such plans or other data to demonstrate that state law  
6 does not require that the plans be prepared by a licensed architect or engineer. The building official  
7 may require plans, computations, and specifications to be prepared and designed by an engineer or  
8 architect licensed by the state to practice as such even if not required by state law. Where special  
9 conditions exist, the building official is authorized to require additional construction documents to  
10 be prepared by a registered design professional.

11           **EXCEPTION:** The building official may waive the submission of plans, calculations,  
12 construction inspections requirements and other data if it is found that the nature of the work  
13 applied for is such that reviewing of plans is not necessary to obtain compliance with this  
14 code.

15           Section 9. That Title 20 of the Lincoln Municipal Code be amended by adding a new  
16 section numbered 20.08.090 to read as follows:

17           **20.08.090     Section 108.3 Amended; Permit Fees.**

18           Section 108.3 of the International Building Code is amended to read as follows:

19           **108.3 Permit fees.** The fee for each permit shall be as set forth in Table 1A below:

20                           **TABLE 1A -- BUILDING PERMIT FEES**

<b>Total Valuation</b>	<b>Fee</b>
\$0 to and including \$1,000	\$30.00

Each additional \$1,000 or fraction thereof in excess of \$1,000	\$ 2.00
Reinspection fee (wrong address, work does not pass inspection, work not complete, etc.)	\$30.00

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. The building official may determine valuation by applying the I.C.B.O. valuation or other recognized method of estimating building construction project cost.

The value or valuation used by the building official in computing the building permit and plan review fees is only an estimate and is not intended to be used as conclusive evidence of the actual value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment for purposes of determining whether said value exceeds a certain percentage of the fair market value of the building in question.

**108.3.1 Plan review fees.** When a plan or other data are required to be submitted by Section 106.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be an amount equal to 38% of the building permit fee as shown in Table 1A above, for commercial buildings, accessory buildings and apartments.

The plan review fees in this subsection are separate from and in addition to the permit fees specified in Section 108.3 and shall not be credited to the total building permit fee if such permit is

1 issued. There shall be no refund for plan review after any plan review has been completed by the  
2 Department of Building and Safety, even if the application is withdrawn.

3 One additional plan review of corrections made on the original plans after the initial plan  
4 review shall be performed at no cost to the applicant; however, where plans require further  
5 corrections, are incomplete, or are changed necessitating additional plan review, an additional plan  
6 review fee shall be charged at the rate of 10% of the total permit fee or \$50.00, whichever is greater,  
7 for each additional review. Fastrack, shell and limited permit applications will be subject to  
8 additional plan review fees as specified in this section.

9 Commercial fastrack and limited permit reviews will be subject to an additional plan review  
10 fee at the rate of twenty percent of the total building permit fee or \$100.00, whichever is greater.

11 When a commercial plan or other data is submitted in an area where a special permit, use  
12 permit, or planned unit development designation has been granted, a special permit review fee shall  
13 be charged for each application at the rate of ten percent of the total building permit fee or \$50.00,  
14 whichever is greater.

15 If plans are revised or changed to the extent a complete review is required, an additional plan  
16 review fee shall be charged at the full plan review rate.

17 **108.3.2 Thermal insulation fees.** A fee for each building or structure which is  
18 required to provide and inspect thermal design and insulation in accordance with the provisions of  
19 Chapter 13 of this code shall be paid to the building official. The permit fee shall be equal to ten  
20 percent of the building permit fee set forth elsewhere herein for commercial buildings and  
21 apartments.

22 **108.3.3 Flood plain development fees.**

1                   **108.3.3.1** A fee shall be assessed for any development permit applied for under  
2 Lincoln Municipal Code Chapter 27.55 and shall be paid at the time of application therefor. The  
3 fee for each permit shall be as follows:

4                   (1) For all development involving the new construction of buildings or other  
5 structures and substantial improvements thereto, an amount equal to 10% of  
6 the building permit fee as established under the Lincoln Building Code or as  
7 the same may be amended, with a minimum fee of \$150.00.

8                   (2) All other development permits -- \$100.00.

9                   **108.3.3.2** In those cases where a development permit is required for a structure, but  
10 a building permit is not required, the value of construction as determined by Section 108.3 of the  
11 Lincoln Building Code shall be used to calculate the development permit fee.

12                   **108.3.3.3** Any work requiring a development permit commenced prior to the  
13 issuance of the permit shall result in the assessment of an investigation fee in accordance with  
14 Section 108.4 of the Lincoln Building Code, which investigation fee shall be in addition to the  
15 development permit fee.

16                   **108.3.3.4** The building official may refund not more than two-thirds (2/3) of the  
17 development permit fee when an application for which such fee has been paid is withdrawn or  
18 canceled prior to commencement of plan review.

19                   **108.3.3.5 Expiration.** Permit application and permits shall expire in accordance  
20 with Section 105.

21                   Section 10. That Title 20 of the Lincoln Municipal Code be amended by adding a  
22 new section numbered 20.08.100 to read as follows:

1           **20.08.100      Section 108.6 Amended; Fee Refunds.**

2           Section 108.6 of the International Building Code is amended to read as follows:

3           **108.6 Fee refunds.** There shall be no refunds or credits given on permits which have  
4 expired. Permit holders returning an unused permit prior to the expiration date of the permit shall  
5 be limited to a maximum refund amounting to two-thirds of the total building permit and insulation  
6 fee, with the remaining one-third to be used to pay in part the cost of processing the permit. The  
7 Building Official may authorize refunding of not more than two-thirds of the plan review fee or  
8 permit deposit paid when an application for a permit for which such fee has been paid is withdrawn  
9 or canceled before any plan reviewing is done.

10           No refund shall be issued on a permit deposit or plan review fee, flood plain development  
11 fee or any other fee collected by the department, where refund amount is less than \$30.00. Where  
12 a fee has been collected in error, the building official may authorize a 100% refund.

13           Section 11. That Title 20 of the Lincoln Municipal Code be amended by adding a  
14 new section numbered 20.08.110 to read as follows:

15           **20.08.110      Section 109.1 Amended; Inspections and Surveys.**

16           Section 109.1 of the International Building Code is amended to read as follows:

17           **R109.1 Inspections and surveys.** All construction or work for which a permit is required  
18 shall be subject to inspection by the building official and all such construction work shall remain  
19 accessible and exposed for inspection purposes until approved by the building official. In addition,  
20 certain types of construction shall have continuous inspection as specified in Section 1704.

21           Approval as a result of an inspection shall not be construed to be an approval of a violation  
22 of the provisions of this code or of other ordinances of the city. Inspections presuming to give

1 authority to violate or cancel the provisions of this code or of other ordinances of the city shall not  
2 be valid.

3 A survey of the lot or lots upon which additions, alterations, or repairs are being  
4 accomplished shall be provided by a duly licensed surveyor of the State of Nebraska before plans  
5 and specifications shall be accepted by the building official to verify compliance of the construction  
6 or work with building line setback requirements of the Lincoln Municipal Code. All boundary  
7 corners of a lot or lots with permanent survey monuments shall be marked in the field by a duly  
8 licensed surveyor of the State of Nebraska.

9 Each survey monument shall be an iron pipe of a minimum diameter of three-quarters inch  
10 or a one-half inch rebar and shall have a minimum length of twenty-four inches into the ground.  
11 Said permanent survey monument shall be maintained and readily identifiable during the entire  
12 period of the time that the construction work is being accomplished for which a permit is required.

13 It shall be the duty of the permit applicant to cause the work to remain accessible and  
14 exposed for inspection purposes. Neither the building official nor the city shall be liable for expense  
15 entailed in the removal or replacement of any material required to allow inspection.

16 Section 12. That Title 20 of the Lincoln Municipal Code be amended by adding a  
17 new section numbered 20.08.120 to read as follows:

18 **20.08.120 Section 109.3.11 Added; Reinspections.**

19 Section 109.3.11 is added to the International Building Code to read as follows:

20 **109.3.11 Reinspections.** A reinspection fee may be assessed for each inspection or  
21 reinspection when such portion of work for which inspection is called is not complete or when  
22 corrections called for are not made.

1 This subsection is not to be interpreted as requiring reinspection fees the first time a job is  
2 rejected for failure to comply with the requirements of this code, but as controlling the practice of  
3 calling for inspections before the job is ready for such inspection or reinspection.

4 Reinspection fees may be assessed when the inspection record card is not posted or otherwise  
5 available on the work site, the approved plans are not readily available to the inspector, for failure  
6 to provide access on the date for which inspection is requested, or for deviating from plans requiring  
7 the approval of the building official.

8 In instances where reinspection fees have been assessed, no additional inspection of the work  
9 will be performed until the required fees have been paid.

10 Section 13. That Title 20 of the Lincoln Municipal Code be amended by adding a  
11 new section numbered 20.08.130 to read as follows:

12 **20.08.130 Section 109.7 Added; Address Identification.**

13 Section 109.7 is added to the International Building Code to read as follows:

14 **R109.7 Address identification.** All additions, alterations, or repairs for which a permit is  
15 required by this code shall be provided with a construction address identification sign. Said  
16 identification sign shall be a sign of metal, wood, plastic, or other approved rigid material with  
17 permanent identification numbers and letters thereon indicating the legally assigned street or other  
18 type address assigned by the building official. Said identification sign shall have numbers and letters  
19 of such size and shall be so placed upon the construction site that said sign is readily visible and  
20 identifiable from the public street. Said identification sign shall be properly maintained during the  
21 entire period of time that the construction or work is being accomplished or maintained.

22 Section 14. That Title 20 of the Lincoln Municipal Code be amended by adding a  
23 new section numbered 20.08.140 to read as follows:

1       **20.08.140     Section 110 Amended; Certificate of Occupancy.**

2               Section 110 of the International Building Code is amended to read as follows:

3       **SECTION 110 -- CERTIFICATE OF OCCUPANCY**

4               **110.1 Use or occupancy.** No building or structure shall be used or occupied, and no change  
5 in the existing use or occupancy classification of a building or structure or portion thereof shall be  
6 made until the building official has issued a certificate of occupancy therefor, as provided in Chapter  
7 27.77 of the Lincoln Municipal Code.

8               It shall be the responsibility of a permit holder or the permit holder's agent to call for all  
9 required inspections, including the final inspection, of all additions, alterations, or repairs performed  
10 under a building permit. Final inspection shall be called for by the permit holder or the permit  
11 holder's agent prior to occupancy of the building or structure or portion thereof. In the event any  
12 permit holder or permit holder's agent shall fail to call for final inspection as herein provided or in  
13 the event any permit holder or permit holder's agent shall have a backlog of permits with no final  
14 inspections completed, the building official is authorized to withhold further issuance of any permit  
15 under this code to said permit holder or the permit holder's agent until final inspections have been  
16 completed as provided by this code.

17               **110.2 Change in use.** Changes in the character or use of a building shall not be made  
18 except as specified in Section 3405 of this code.

19               **110.3 Certificate issued.** After the building official performs a final inspection, a  
20 certificate of occupancy shall be issued when it is found that the building or structure complies with  
21 requirements of issuance set forth in Chapter 27.77 of the Lincoln Municipal Code.

22               **110.4 Temporary certificate.** If the building official finds that no substantial hazard will  
23 result from occupancy of any building or portion thereof before the same is completed, a temporary

1 certificate of occupancy may be issued for the use of a portion of portions of a building or structure  
2 prior to the completion of the entire building or structure.

3 **110.5 Posting.** The certificate of occupancy shall be posted in a conspicuous place on the  
4 premises and shall not be removed except by the building official.

5 **110.6 Revocation.** The building official may, in writing, suspend or revoke a certificate  
6 of occupancy issued under the provisions of this code whenever the certificate is issued in error, or  
7 on the basis of incorrect information supplied, or when it is determined that the building or structure  
8 or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

9 Section 15. That Title 20 of the Lincoln Municipal Code be amended by adding a  
10 new section numbered 20.08.150 to read as follows:

11 **20.08.150 Section 112 Amended; Board of Appeals.**

12 Section 112 of the International Building Code is amended to read as follows:

13 **SECTION 112 -- BOARD OF APPEALS**

14 **112.1 Creation.** There is hereby created a Building and Thermal Insulation Code Advisory  
15 and Appeals Board consisting of seven members and shall hereinafter be referred to as the Building  
16 Code Board of Appeals.

17 Membership on the Building Code Board of Appeals shall consist of the following:

- 18 (1) The Building Official (ex officio member);  
19 (2) The Building Services Manager for the City of Lincoln (ex officio member);  
20 (3) A registered professional architect who has passed the State of Nebraska's architect  
21 examination and is a representative from business and industry;  
22 (4) A registered professional engineer actively engaged in and is a representative from  
23 business and industry;

- 1 (5) A general building contractor;
- 2 (6) A residential building contractor;
- 3 (7) A State of Nebraska registered engineer or architect.

4 The registered professional architect, engineer, and the contractors shall be appointed by the  
5 Mayor with concurrence of the City Council for staggered terms of three years each. Vacancies on  
6 the board shall be filled by appointment for the unexpired term only. The Building Services  
7 Manager shall be a permanent secretary of the board and shall keep a record of all meetings.

8 **112.2 Authority and Duties.** The Building Code Board of Appeals shall hear and decide  
9 appeals of orders, decisions or determinations made by the building official relative to the  
10 application and interpretation of this code or the suitability of alternate materials and methods of  
11 installation. The Board of Appeals shall have no authority relative to the interpretation of the  
12 administrative provisions of this code. The Board of Appeals may grant variances for alterations  
13 or repairs of an existing building or structure after finding that: (1) There are practical difficulties  
14 involved in carrying out the provisions of this code; (2) The requested variance is in conformance  
15 with the intent and purpose of this code; and (3) The variance does not substantially lessen any fire-  
16 protection requirements or any degree of structural integrity. The board shall make  
17 recommendations to the Mayor at the Mayor's request. The board shall adopt reasonable rules and  
18 regulations for conducting its investigations and shall render all decisions and recommendations in  
19 writing to the Building Official.

20 **112.3 Meetings.** The Building Code Board of Appeals shall meet at the call of the Building  
21 Official or upon a written request signed by two or more of its members and filed with the secretary.

22 **112.4 Appeals to Board.** Any person who is aggrieved by any decision of the Building  
23 Official relating to suitability of alternate materials, methods of construction, or interpretations of

1 any provisions of this code, and any person who seeks a variance from the strict application of this  
2 code for the alteration or repair of existing buildings whenever there are practical difficulties  
3 involved in carrying out the provisions of this code, may appeal such decision by filing an appeal  
4 on forms furnished by the Building Official within thirty days from the date of such decision. The  
5 filling of a completed appeals form, along with the payment of the prescribed fee, shall be sufficient  
6 for the purpose of commencing an appeal proceeding hereunder:

7 (1) A \$50.00 fee for review of a decision of the Building Official interpreting a provision  
8 or provisions of this code;

9 (2) A \$100.00 fee for review of a decision of the Building Official concerning the  
10 suitability of alternate materials or types of installation.

11 **112.5 Hearing Date.** The Building Official shall refer all properly and timely filed appeals  
12 to the Building Code Board of Appeals for hearing. The secretary of said board shall in each appeal  
13 notify the appellant in writing of the date, time, and place of hearing before the board, which date  
14 shall be no later than thirty days from the filing of the appeal. Such notice shall be served upon the  
15 applicant by personal service or registered mail.

16 **112.6 Hearing Procedure.** Hearings on appeal need not be conducted according to  
17 technical rules relating to evidence and witnesses. Oral evidence shall be taken only on oath or  
18 affirmation. Any relevant evidence shall be admitted if it is the type of evidence upon which  
19 responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the  
20 existence of any common law or statutory rule which may make improper the admission of such  
21 evidence over objection in civil actions in courts of competent jurisdiction in this state. Irrelevant  
22 and unduly repetitious evidence shall be excluded. The appellant, the Building Official, and any  
23 other party to an appeal hereunder shall have these rights, among others:

- 1 (1) To call and examine witnesses on any matter relevant to the issues of the hearing;
- 2 (2) To introduce documentary and physical evidence;
- 3 (3) To cross-examine opposing witnesses on any matter relevant to the issues of the
- 4 hearing; and
- 5 (4) To rebut the evidence against him or her.

6 **112.7 Decision of Board.** The Building Code Board of Appeals shall then, within a  
7 reasonable time after the hearing, render a written decision which shall state its findings and  
8 conclusions. Decisions of the board may be appealed as provided by law.

9 **112.8 Enforcement.** Enforcement of any decision, notice, or order of the Building Official  
10 issued under this code shall be stayed during the pendency of an appeal therefrom which is properly  
11 and timely filed, except in cases of emergency, where enforcement of the same is necessary for the  
12 protection of life, limb, or property.

13 Section 16. That Title 20 of the Lincoln Municipal Code be amended by adding a  
14 new section numbered 20.08.160 to read as follows:

15 **20.08.160 Section 113 Amended; Violations and Penalties.**

16 Section 113 of the International Building Code is amended to read as follows:

17 **SECTION 113 -- VIOLATIONS AND PENALTIES**

18 **113.1 Unlawful acts.** It shall be unlawful for any person, firm, or corporation to erect,  
19 construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, use, occupy, or  
20 maintain any building or structure in the city or within three miles of the corporate limits of the city  
21 and outside of any other organized city or village, or cause the same to be done contrary to or in  
22 violation of any of the provisions of this code.

1           **113.2 Penalty.** Any person, firm, or corporation who shall violate any of the provisions of  
2 this code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any  
3 sum not to exceed \$500.00, or be imprisoned in the county jail for a period not to exceed six months,  
4 or by both such fine and imprisonment, except that each person so convicted shall be fined in a sum  
5 of not less than \$200.00 for the first offense, not less than \$250.00 for the second offense, and not  
6 less than \$300.00 for the third offense and each offense thereafter. Each day that such violation is  
7 committed or permitted to continue shall constitute a separate offense and shall be punishable as  
8 such hereunder.

9           **113.3 Prosecution of violation; Deleted.**

10           **113.4 Violation penalties; Deleted.**

11           Section 17. That Title 20 of the Lincoln Municipal Code be amended by adding a  
12 new section numbered 20.08.170 to read as follows:

13           **20.08.170     Section 305.2 Amended; Day Care.**

14           Section 305.2 of the International Building Code is amended to read as follows:

15           **305.2 Day care.** The use of a building or structure, or portion thereof, for educational,  
16 supervision or personal care services for more than twelve children older than 2 1/2 years of age,  
17 shall be classified as a Group E occupancy.

18           Section 18. That Title 20 of the Lincoln Municipal Code be amended by adding a  
19 new section numbered 20.08.180 to read as follows:

20           **20.08.180     Section 501.2 Amended; Premises Identification.**

21           Section 501.2 of the International Building Code is amended to read as follows:

22           **501.2 Premises identification.** Premises shall have addresses provided on buildings as  
23 specified under Chapter 14.24 of the Lincoln Municipal Code.

1 Section 19. That Title 20 of the Lincoln Municipal Code be amended by adding a  
2 new section numbered 20.08.190 to read as follows:

3 **20.08.190 Section 503.4 Added; Location on Property.**

4 Section 503.4 is added to the International Building Code to read as follows:

5 **503.4 Location on property.** Buildings shall adjoin or have access to a public way or yard  
6 on not less than one side. Required yards shall be permanently maintained. For the purpose of this  
7 section, the centerline of an adjoining public way shall be considered an adjacent property line.  
8 Active primary railroad lines where rail cars cannot be parked for extended periods of time may also  
9 be considered as a public way

10 Section 20. That Title 20 of the Lincoln Municipal Code be amended by adding a  
11 new section numbered 20.08.200 to read as follows:

12 **20.08.200 Section 506.2.3 Added; Primary Railroad Lines.**

13 Section 506.2.3 is added to the International Building Code to read as follows:

14 **506.2.3 Primary railroad lines.** For the purpose of this section, active primary railroad  
15 lines where rail cars cannot be parked for extended periods of time may also be considered as a  
16 public way.

17 Section 21. That Title 20 of the Lincoln Municipal Code be amended by adding a  
18 new section numbered 20.08.210 to read as follows:

19 **20.08.210 Section 508.2 Amended; Group S-2 and Group I-1 Enclosed Parking Garage**  
20 **with Groups A, B, M or R above.**

21 Section 508.2 of the International Building Code is amended to read as follows:

22 **508.2 Group S-2 and Group I-1 enclosed parking garage with Groups A, B, M or R**  
23 **above.** A basement first story above grade plane of a building shall be considered as a separate and

1 distinct building for the purpose of determining area limitations, continuity of fire walls, limitation  
2 of number of stories and type of construction, when all of the following conditions are met:

3 1. The basement first story above grade plane is of Type IA construction and is separated  
4 from the building above with a horizontal assembly having a minimum 3-hour fire resistance rating.  
5 Openings in the horizontal assembly having a minimum 3-hour fire-resistance rating shall be  
6 protected by shaft, stairway, ramp or escalator enclosures extending above and below such openings.  
7 The walls of such enclosures shall have not less than a 2-hour fire-resistance rating and openings  
8 therein shall be protected by opening protectives having a minimum 1 1/2-hour fire-protection rating.

9 **Exception:** Where the walls of such enclosures extending below the horizontal  
10 assembly having a minimum 3-hour fire-resistance rating to the foundation are provided with  
11 a fire-resistance rating of not less than 3 hours with openings therein protected as required  
12 for walls forming a 3-hour fire barrier, the enclosure walls extending above such floor used  
13 as the horizontal assembly having a minimum 3-hour fire-resistance rating shall be permitted  
14 to have a 1-hour fire-resistance rating provided:

- 15 1. The building above is not required to be of Type I construction; and  
16 2. The enclosure walls do not enclose an exit stairway, a ramp or an escalator  
17 required to have enclosure walls with not less than a 2-hour fire-resistance  
18 rating.
- 19 2. The building above the horizontal assembly having a minimum 2-hour fire-resistance  
20 rating contains only Groups A having an assembly room with an occupant load of less than 300, B,  
21 M or R and

1           3.     The building below the horizontal assembly having a minimum 3-hour fire-resistance  
2 rating is a Group S-2 enclosed parking garage, used exclusively for the parking and storage of private  
3 motor vehicles.

4                   **Exceptions:**

5           1.     Entry lobbies, mechanical rooms and similar uses incidental to the operation  
6 of the building shall be permitted.

7           2.     Groups A having an assembly room with an occupant load of less than 300,  
8 B and M shall be permitted in addition to those uses incidental to the  
9 operation of the building (including storage areas), provided that the entire  
10 structure below the horizontal assembly having a minimum 3-hour fire-  
11 resistance rating is protected throughout by an approved automatic sprinkler  
12 system.

13           4.     The maximum building height in feet shall not exceed the limits set forth in Table  
14 503 for the least restrictive type of construction involved.

15                   Section 22. That Title 20 of the Lincoln Municipal Code be amended by adding a  
16 new section numbered 20.08.220 to read as follows:

17           **20.08.220     Section 716.4.2 Exception 3 Amended; Draftstopping in Attics; Groups R-1**  
18                   **and R-2**

19                   Exception 3 to Section 716.4.2 of the International Building Code is amended to read as  
20 follows:

21           3.     In occupancies in Group R-2 that do not exceed four stories in height, the  
22 attic space shall be subdivided by draftstops into areas not exceeding 3,000  
23 square feet (279 m<sup>2</sup>).

1 Section 23. That Title 20 of the Lincoln Municipal Code be amended by adding a  
2 new section numbered 20.08.230 to read as follows:

3 **20.08.230 Section 1003.3.1.4, Exception 5 Added; Floor Elevation.**

4 Section 1003.3.1.4 of the International Building Code is amended by adding Exception 5 to  
5 read as follows:

6 Exception 5. Doors serving building equipment rooms which are not normally  
7 occupied.

8 Section 24. That Title 20 of the Lincoln Municipal Code be amended by adding a  
9 new section numbered 20.08.240 to read as follows:

10 **20.08.240 Section 1003.3.1.8.2 Amended; Delayed Egress Locks.**

11 Section 1003.3.1.8.2 of the International Building Code is amended to read as follows:

12 **1003.3.1.8.2 Delayed egress locks.** Approved, listed, delayed egress locks shall be permitted  
13 to be installed on doors serving any occupancy except Group A and H occupancies in buildings  
14 which are equipped throughout with an automatic sprinkler system in accordance with Section  
15 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with  
16 Section 907, provided that the doors unlock in accordance with Items 1 through 6 below. A building  
17 occupant shall not be required to pass through more than one door equipped with a delayed egress  
18 lock before entering an exit.

19 1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire  
20 detection system.

21 2. The doors unlock upon loss of power controlling the lock or lock mechanism

22 3. The door locks shall have the capability of being unlocked by a signal from the fire  
23 command center.



1 Exception 5: Private steps and stairways serving an occupant load of less than 10  
2 and stairways to unoccupied roofs may be constructed with an eight-  
3 inch (203 mm) maximum rise and nine-inch (229 mm) minimum run.

4 Section 27. That Title 20 of the Lincoln Municipal Code be amended by adding a  
5 new section numbered 20.08.270 to read as follows:

6 **20.08.270 Section 1003.3.3.11.1 Exception Added; Height.**

7 Section 1003.3.3.11.1 of the International Building Code is amended by adding an exception  
8 to read as follows:

9 **Exception:** Within individual dwelling units of Apartment occupancies, the top of handrails  
10 and handrail extensions may be not less than 30 inches (762 mm) nor more than 38 inches (965 mm)  
11 above landings and the nosing of treads.

12 Section 28. That Title 20 of the Lincoln Municipal Code be amended by adding a  
13 new section numbered 20.08.280 to read as follows:

14 **20.08.280 Chapter 11 Deleted; Accessibility.**

15 Chapter 11 of the International Building Code and all sections thereof are hereby deleted.

16 Section 29. That Title 20 of the Lincoln Municipal Code be amended by adding a  
17 new section numbered 20.08.290 to read as follows:

18 **20.08.290 Section 1204.1 Exception Added; Lighting, General.**

19 Section 1204.1 of the International Building Code is amended by adding an Exception thereto  
20 to read as follows:

21 **Exception:** In I-1 and all R Occupancies, artificial light may only be allowed in kitchens and  
22 non-habitable rooms.

1 Section 30. That Title 20 of the Lincoln Municipal Code be amended by adding a  
2 new section numbered 20.08.300 to read as follows:

3 **20.08.300 Chapter 13 Amended; Energy Code.**

4 Chapter 13 of the International Building Code is amended to read as follows:

5 **CHAPTER 13**

6 **ENERGY CODE**

7 **SECTION 1300 B PURPOSE OF ENERGY CODE.**

8 The purpose of this chapter is to provide minimum design requirements and criteria that will  
9 result in a more efficient utilization of energy by providing thermal design and insulation standards  
10 for building construction. Any references in this code to the International Energy Code shall comply  
11 with this section.

12 **SECTION 1301 - GENERAL.**

13 **1301.1 Solar energy collectors.** Collectors which function as building components shall  
14 comply with the applicable provisions of the code.

15 Collectors located above or upon a roof and not functioning as building components shall not  
16 reduce the required fire-resistance or fire retardancy classification of the roof-covering materials.

17 **Exceptions:**

- 18 1. Collectors installed on one- and two-family dwellings.  
19 2. Noncombustible collectors located on buildings not over three stories in height or  
20 9,000 square feet (836 m<sup>2</sup>) in total floor area.  
21 3. Collectors that comply with the provisions of Section 2603.14.

22 **SECTION 1302 - APPLICATION AND SCOPE.**

1           **1302.1 General.** The requirements of this chapter shall apply to all new buildings and  
2 structures or portions thereof which are heated and/or mechanically cooled and afford facilities or  
3 shelter for assembly, business, education, institutional, and mercantile occupancies as defined in  
4 Chapter 3 of this code. R-1, R-2, R-3, R-4, and I-1 occupancies shall comply with the energy  
5 requirements adopted in the International Residential Code as amended by Lincoln Municipal Code  
6 Section 20.10.700.

7           **1302.2 Alternate materials, method of construction, design or insulating system.** The  
8 provisions of this chapter are not intended to prevent the use of any material, method of construction,  
9 design or insulating system not specifically prescribed herein, provided that any such variance from  
10 these standards has been approved by the building official or thermal insulation appeals board.

11           **1302.3 Existing buildings, additions or alterations.** The provisions of this chapter are not  
12 intended to apply to existing buildings until such time as additions, alterations or repairs are made.

### 13 **SECTION 1303 - DEFINITIONS**

14           For the purpose of this chapter, certain terms and words are hereby defined. Words used in  
15 the present tense shall include the future, the singular number shall include the plural.

16           **APPROVED MECHANICAL ENGINEERED SYSTEM.** The equipment and ductwork  
17 installed for the purpose of supplying air to, or removing air from, any room or space by mechanical  
18 means in accordance with the Lincoln Heating Code.

19           **BASEMENT.** Basement as described in Section 203 of this code.

20           **BTU (British thermal unit).** Approximately equal to the heat required to raise the  
21 temperature of one pound of water from fifty-nine degrees Fahrenheit to sixty degrees Fahrenheit.

22           **BTUH.** Heat flow in BTU per hour.

1           **CONDITIONED SPACE.** Interior space which is conditioned within the human comfort  
2 range by an energy-using system. A basement, crawl space, or garage is considered a conditioned  
3 space when it is provided with a positive heat supply to maintain a minimum temperature of fifty  
4 degrees.

5           **CRAWL SPACE.** Accessible underfloor area less than full story height and below a level  
6 of occupancy.

7           **GLAZING.** Glass or glass-like (plastic) material, which is transparent or translucent, a pane  
8 or sheet, which is installed in prepared openings such as doors, windows and enclosures.

9           **EFFECTIVE SOUTH GLAZING.** Glazing facing within fifteen degrees of true south,  
10 shaded by a permanent exterior shading device on July 21st and unshaded on December 21st.

11           **HEATED SLAB.** A floor containing heated pipes, ducts or electrical heating elements for  
12 complete or partial heating of the building.

13           **INSULATION.** A material installed specifically for thermal resistance.

14           **P.S.F.** Pounds per square foot.

15           **RESISTANCE (thermal).** A measure of the ability to retard heat flow, measured in  
16 Fahrenheit degrees per BTU/(hour) (square foot). R is a numerical reciprocal of U, thus  $R = 1/U$ .  
17 Thermal resistance values, based on mean temperature difference of seventy-five degrees Fahrenheit,  
18 shall be obtained from the most recent ASHRAE handbook of fundamentals or from manufacturer's  
19 data as determined by a recognized independent testing laboratory.

20           **U-VALUE (co-efficient of heat transmission).** Heat flow rate in BTUH through one foot  
21 of building assembly for a one degree Fahrenheit air-to-air temperature difference as determined by  
22 procedures set forth in the 1993 edition, ASHRAE handbook of fundamentals.

1           **UNCONDITIONED SPACE.** A space which is not conditioned within the human comfort  
2 range by an energy-using system. A basement, crawl space, or garage is considered unheated space  
3 unless it is provided with a positive heat supply to maintain a minimum temperature of fifty degrees.

4           **UNHEATED SLAB.** An unheated floor, relying for warmth from heat delivered above floor  
5 level by the heating system.

6           **VAPOR BARRIER.** A material with high resistance to the passage of water vapor applied  
7 to surfaces to prevent vapor travel and shall be a minimum actual thickness of 3 mil.

8           **SECTION 1304 -- INSULATION REQUIREMENTS - COMMERCIAL BUILDINGS**

9           The maximum average coefficient of heat transmission for construction elements between  
10 conditioned and unconditioned space for a commercial occupancy shall be as follows:

11           Commercial buildings shall conform to the insulation requirements as set forth in Section 4.0  
12 of ASHRAE Standards 90-75 and the following values for components:

13 <b>CONSTRUCTION ELEMENT</b>	<b>U-VALUE</b>	<b>R-VALUE</b>
14           Walls (includes glazing and doors)	.186	5.38
15           Ceilings and roofs	.075	13.33
16           Floors (except slabs)	.053	18.87
17           Glazing	.650	1.54

18                   Walls: Insulation shall be applied to a minimum depth 3 feet  
19                                   below grade or to the basement floor, whichever is less.

20           **Walls:** Where practicable, walls shall meet stated U-value for walls (except basement, cellar  
21 and crawl space) at exterior floor perimeter bands.

22           Where provisions of Section 1305 are being applied, all residential walls (except walls of  
23 basements, cellars and crawl spaces) shall have a maximum U-value of .135.

1 For interior applied insulation, it shall be applied to a minimum depth of three feet below  
2 grade or to the basement floor whichever is less.

3 When insulation is applied to the exterior side of foundation walls which are partly above  
4 grade, the insulation shall have a protective covering installed as recommended by the manufacturer  
5 on the above-grade section and the top one foot of the insulation material below grade.

6 **Glazing and Doors:** Glazed area other than effective south glazing shall total no more than  
7 fifteen percent of the gross floor area. Additional glass area may be added as effective south glazing.  
8 The effective south glazing area must be integrated into the design so that indoor temperatures  
9 throughout the building can be maintained within the human comfort range at all times. A thermal  
10 storage material equal to a minimum of twenty-two B.T.U. per degree Fahrenheit for each square  
11 foot of effective south glazing shall absorb the heat energy from the solar input which might  
12 otherwise result in building temperature variations above the human comfort range. Basement floor  
13 area shall contribute to glazed area allowance for basement only. All spaces around exterior framing  
14 shall be filled with insulation.

15 **Slab-at-grade Floors:** Perimeter insulation shall be used to reduce the slab heat loss. The  
16 thermal resistance of the insulation around the perimeter of the floor shall have a minimum  
17 resistance of R-7 for heated slabs and R-5 for unheated slabs. The insulation shall extend downward  
18 from the top of the slab for a minimum distance of twenty-four inches or downward to the bottom  
19 of the slab, then horizontally below the slab for a minimum total distance of twenty-four inches.  
20 This applies only to that part of the total slab which is below a heated space. Insulation not required  
21 for floors more than three feet below grade.

1           **Air leakage - Windows** -- Windows shall be designed to limit air leakage into or from the  
2 building. Air leakage rate for windows shall not exceed 0.5 cfm per foot of sash crack when tested  
3 at a pressure differential of 1.576 lb/ft., equivalent to the impact pressure of 25 mph wind.

4           **Air leakage - Doors:** All exterior doors shall be designed to limit air leakage into or from  
5 the building when in a closed position.

6           Air leakage for manual sliding glazed doors shall not exceed 0.5 cubic feet per minutes per  
7 square foot of door area in the closed position, when tested at a pressure differential of 1.567 lb/ft.

8           Compliance with the criteria for air leakage of all types of windows and doors shall be  
9 determined by American Society for Testing Materials 283-73, "standards method of test for rate of  
10 air leakage through exterior windows, curtain walls, and doors."

11           **Fireplaces:** All woodburning fireplaces and combustion air intakes for woodburning  
12 fireplaces shall be equipped with dampers.

13           **Caulking and Sealants:** Exterior joints around windows and door frames, between wall and  
14 foundation, between wall and roof, between wall panels, at penetrations of utility services through  
15 walls, floors and roofs, and all other openings to the exterior envelope shall be caulked, gasketed,  
16 and/or otherwise sealed in an approved manner.

17           **Vapor Barriers:** When the construction includes any material including insulation that  
18 would be damaged by moisture or its freezing, a vapor barrier shall be installed as near to the warm  
19 surface of the walls, ceiling, roof, and floors as practicable. Vapor barriers are not, however,  
20 required on ceilings which have a ventilated attic space above the ceiling. The vapor barrier shall  
21 have a maximum transmission rating of 1.0 perm or a rating lower than that of all other materials  
22 included as part of the wall, ceiling, roof, or floor of which the vapor barrier is applied, whichever  
23 is lowest.

1           **Building Insulation:** Materials used for insulation shall be of approved effectiveness and  
2 adequate durability as established by nationally recognized testing laboratories or agencies to assure  
3 that required design conditions concerning heat losses are maintained. Insulation in contact with the  
4 ground shall be of such a type so as not to be adversely affected by soil, vermin, or water. Insulation  
5 used in attic spaces shall not block air movement from eave vents are used. When eave vents are  
6 installed, adequate baffling of the vent opening must be provided to deflect the incoming air above  
7 the surface of the insulation.

8           **Insulation Air Barrier:** An air barrier, which may be house wrap, drywall, rigid sheathing  
9 or similar material, is required on the cold side of insulated walls located adjacent to attics, unheated  
10 spaces or sky light enclosures.

#### 11   **SECTION 1305 B BUILDING ENVELOPE ALTERNATIVE**

12           Notwithstanding any other provisions of these standards, all building occupancies where the  
13 U-value of any one component of roof, ceiling, walls, glazing, floor, or doors, does not meet the  
14 specific requirements of this chapter, such U-value may be increased and the U-value for other  
15 components decreased until the average U-value for the building envelope does not exceed the total  
16 resulting from conformance to the requirements of the 1993 edition of the ASHRAE Handbook of  
17 Fundamentals. Similarly, when the average U-value for glazed areas is below 0.650, total glazed  
18 area may be increased such that the product of glazed area and average glazing U-value does not  
19 exceed that resulting from conformance to the requirements of the 1993 edition of the ASHRAE  
20 Handbook of Fundamentals.

21           In determining the building envelope average U-value by the provisions of this section,  
22 allowable heat loss for glazing not within 15 degrees of true south shall be (fifteen percent of gross  
23 floor area) x (0.650). Effective south glazing shall be treated as opaque walls with a U-value of .07.

1           **SECTION 1306 B PERFORMANCE ALTERNATIVE**

2           Notwithstanding any other provisions of these standards, all building occupancies where the  
3           U-value of any one component of roof, ceiling, walls, glazing, floor, or doors, and the total glazing  
4           area does not meet the specific requirements of this chapter, such U-value and glazing areas may be  
5           increased providing a full year energy analysis is performed in sufficient technical detail to show the  
6           monthly heat gain and heat loss from the structure including ventilation and infiltration to the  
7           satisfaction of the Department of Building and Safety, or a registered engineer or architect concurs  
8           in writing that the energy requirements of the structure for heating and cooling does not exceed the  
9           total resulting from conformance to the requirements of the 1993 edition of the ASHRAE Handbook  
10          of Fundamentals.

11                       Section 31. That Title 20 of the Lincoln Municipal Code be amended by adding a  
12          new section numbered 20.08.310 to read as follows:

13          **20.08.310      Section 1405.4 Amended; Wood Veneers.**

14                       Section 1405.4 of the International Building Code is amended to read as follows:

15                       **1405.4 Wood veneers.** Wood veneers on exterior walls of buildings of Types I, II, III, and  
16          IV construction shall be not less than 1-inch (25.4 mm) nominal thickness, 0.438-inch (11.1 mm)  
17          exterior hardboard siding or 0.375-inch (9.5 mm) exterior-type wood structural panels or particle-  
18          board and shall conform to the following:

19                       1.       The veneer does not exceed three stories in height, measured from grade, except  
20          where fire-retardant-treated wood is used, the height shall not exceed four stories.

21                       2.       The veneer is attached to or furred from a non-combustible backing that is fire-  
22          resistance rated as required by other provisions of this code.

1           3.       Where open or spaced wood veneers (without concealed spaces) are used, they shall  
2 not project more than 24 inches (610 mm) from the building wall.

3           4.       Any deteriorated or rotting veneer shall be removed prior to installing new veneer.  
4 An approved weather barrier shall be installed over the existing wood exterior veneer prior to  
5 overlaying with a new veneer product.

6                   Section 32. That Title 20 of the Lincoln Municipal Code be amended by adding a  
7 new section numbered 20.08.320 to read as follows:

8       **20.08.320       Section 1510.3 Amended; Recovering vs. Replacement.**

9           The Section 1510.3 of the International Building Code is amended to read as follows:

10           **1510.3 Recovering vs. replacement.** New roof coverings shall not be installed without first  
11 removing existing roof coverings where any of the following conditions occur:

12           1.       Where the existing roof or roof covering is water soaked or has deteriorated to the  
13 point that the existing roof or roof covering is not adequate as a base for additional roofing.

14           2.       Where the existing roof covering is wood shake, slate, clay, cement or asbestos-  
15 cement tile.

16           3.       Before applying new roof sheathing, all old roof covering materials shall be removed  
17 and the roof's original sheathing exposed. New roofing materials shall not be installed over existing  
18 rotten or deteriorated shingles or sheathing. No more than two layers of shingles may be installed  
19 on a roof. Subsequent roofing after two layers of shingles will require the removal of all shingles  
20 to the base roof sheathing or structure.

21           **Exceptions:**

22           1.       Complete and separate roofing systems, such as standing-seam metal roof  
23 systems, that are designed to transmit the roof loads directly to the building's structural

1 system and that do not rely on existing roofs and roof coverings for support, shall not require  
2 the removal of existing roof coverings.

3 2. Metal panel, metal shingle, and concrete and clay tile roof coverings shall be  
4 permitted to be installed over existing wood shake roofs when applied in accordance with  
5 Section 1510.4.

6 3. Up to three layers of roof covering may be allowed if load calculations are  
7 approved.

8 Section 33. That Title 20 of the Lincoln Municipal Code be amended by adding a  
9 new section numbered 20.08.330 to read as follows:

10 **20.08.330 Section 1608.2 Amended; Ground Snow Loads.**

11 **1608.2 Ground snow loads.** The ground snow loads to be used in determining the design  
12 snow loads for roofs are given in Figure 1608.2 for the contiguous United States and Table 1608.2  
13 for Alaska. Site-specific case studies shall be made in areas designated CS in Figure 1608.2. Ground  
14 snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within  
15 the CS areas shall be approved. Ground snow load determination for such sites shall be based on an  
16 extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-  
17 percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are  
18 zero for Hawaii, except in mountainous regions as approved by the building official. The ground  
19 snow load shown in Table 1608.2 for Lincoln and Lancaster County, Nebraska shall be 30 pounds  
20 per square foot.

21 Section 34. That Title 20 of the Lincoln Municipal Code be amended by adding a  
22 new section numbered 20.08.340 to read as follows:

1       **20.08.340     Section 1608.3.4 Amended; Rain-on-Snow Surcharge Load.**

2               Section 1608.3.4 of the International Building Code is amended to read as follows:

3               **1608.3.4 Rain-on-snow surcharge load.** Roofs with a slope less than three inches per foot  
4 shall be designed for a rain-on-snow surcharge load determined in accordance with Section 7.10 of  
5 ASCE 7. The rain-on-snow load shall be five pounds per square foot for Lincoln and Lancaster  
6 County, Nebraska.

7               Section 35. That Title 20 of the Lincoln Municipal Code be amended by adding a  
8 new section numbered 20.08.350 to read as follows:

9       **20.08.350     Section 1612 Deleted; Flood Loads.**

10              Section 1612 of the International Building Code and all subsections thereof are hereby  
11 deleted.

12              Section 36. That Title 20 of the Lincoln Municipal Code be amended by adding a  
13 new section numbered 20.08.360 to read as follows:

14       **20.08.360     Section 1615.1 Amended; General Procedure for Determining Maximum**  
15               **Considered Earthquake and Design Spectral Response Accelerations.**

16              Section 1615.1 of the International Building Code is amended to read as follows:

17              **1615.1 General procedure for determining maximum considered earthquake and design**  
18 **spectral response accelerations.** Ground motion accelerations, represented by response spectra  
19 and coefficients derived from these spectra, shall be determined in accordance with the general  
20 procedure of Section 1615.1 or the site-specific procedure of Section 1615.2. The site-specific  
21 procedure of Section 1615.2 shall be used for structures on sites classified as Site Class F, in  
22 accordance with Section 1615.1.1.

1 The mapped maximum considered earthquake spectral response acceleration at short periods,  
2  $SS$ , and at 1-second period,  $S_I$ , shall be determined from Figures 1615(1) through (10). Where a site  
3 is between contours, straight line interpolation or the value of the higher contour shall be used.

4 The Site Class shall be determined in accordance with Section 1615.1.1. The maximum  
5 considered earthquake spectral response accelerations at short period and 1-second period adjusted  
6 for site class effects,  $S_{MS}$  and  $S_{MI}$ , shall be determined in accordance with Section 1615.1.2. The  
7 design spectral response accelerations at short period,  $S_{DS}$ , and at 1-second period,  $S_{DI}$ , shall be  
8 determined in accordance with Section 1615.1.3. The general response spectrum shall be determined  
9 in accordance with Section 1615.1.4. The ground motion acceleration value for Figure 1615(1) for  
10 Lincoln and Lancaster County, Nebraska is 18.0 and the value for Figure 1615(2) is 5.0.

11 **Exception:** For structures located on sites with mapped spectral response acceleration at  
12 short period,  $S_S$ , less than or equal to 0.15g and mapped spectral response acceleration at 1-second  
13 period,  $S_I$ , less than or equal to 0.04g, the Site Class, maximum considered earthquake spectral  
14 response accelerations at short period and at 1-second period adjusted for site class effects ( $S_{MS}$  and  
15  $S_{MI}$ ), and the design spectral response accelerations at short period and at 1-second period ( $S_{DS}$  and  
16  $S_{DI}$ ) need not be determined. Such structures shall be categorized as Seismic Design Category A and  
17 need only comply with the requirements of Section 1616.4.

18 Section 37. That Title 20 of the Lincoln Municipal Code be amended by adding a  
19 new section numbered 20.08.370 to read as follows:

20 **20.08.370 Section 2410 Added; Window Cleaning Anchorage Systems.**

21 Section 2410 is added to the Uniform Building Code to read as follows:

22 **SECTION 2410 -- WINDOW CLEANING ANCHORAGE SYSTEMS.**

1 All buildings where window cleaning or exterior maintenance is performed employing  
2 suspended equipment shall be equipped with roof anchorage or other approved devices that will  
3 provide for safe use of the equipment in conformance with the provisions of ANSI IWCA I-14.1.  
4 Grading and landscaping shall be considered in determining the probability of suspended equipment  
5 being necessary.

6 Section 38. That Title 20 of the Lincoln Municipal Code be amended by adding a  
7 new section numbered 20.08.380 to read as follows:

8 **20.08.380 Chapters 27, 28 and 29 Deleted; Electrical, Mechanical, Plumbing Systems.**

9 Chapter 29 of the International Building Code and all sections thereof are hereby deleted.

10 Section 39. That Title 20 of the Lincoln Municipal Code be amended by adding a  
11 new section numbered 20.08.390 to read as follows:

12 **20.08.390 Section 3202.5 Added; Ornamental Facing.**

13 Section 3202.5 of the International Building Code is amended to read as follows:

14 **3202.5 Ornamental facing.** Ornamental facing may be attached to an existing building  
15 provided such building has been in existence for more than ten years. Such ornamental facing may  
16 extend not more than 8 inches (203 mm) beyond the lot line on any city street, sidewalk, or other  
17 public ground where such building is so located that it cannot be refaced without such occupancy  
18 of public property; provided such occupancy is not prohibited by state or federal regulations; and  
19 provided further such ornamental facing shall not be less than 9 feet (2743 mm) in the clear above  
20 the sidewalk, street level, or finish grade immediately below. Ornamental facing may be added to  
21 existing buildings provided it not extend more than 2 inches (52mm) beyond the lot line on the  
22 public ground to the finish grade.

1 Section 40. That Title 20 of the Lincoln Municipal Code be amended by adding a  
2 new section numbered 20.08.400 to read as follows:

3 **20.08.400 Section 3202.3.3. Deleted; Encroachments 15 Feet or More Above Grade.**

4 Section 3202.3.3 of the International Building Code is hereby deleted.

5 Section 41. That Title 20 of the Lincoln Municipal Code be amended by adding a  
6 new section numbered 20.08.410 to read as follows:

7 **20.08.410 Section 3303 Amended; Demolition of Buildings**

8 Section 3303 of the International Building Code is amended to read as follows:

9 **SECTION 3303 -- DEMOLITION OF BUILDINGS**

10 **3303.1 Purpose.** The purpose of this section is to regulate and provide minimum standards  
11 for the demolition of buildings.

12 **3303.2 Definition..** For the purpose of this section, the word "demolish" is defined as  
13 follows: Demolish shall mean and include the razing, tearing down, or removal of all or part of a  
14 building; the removal of the outer facing of a building but leaving a skeleton or structural frame; or  
15 the removal of an upper story or stories of a building.

16 **3303.3 Demolition permit.**

17 **3303.3.1 Permit required.** No person shall demolish or remove a building, or part  
18 thereof, without first having obtained a permit therefor from the building official.

19 **3303.3.1 Application for permit.** To obtain a demolition permit the applicant shall  
20 first file an application therefor in writing on a form furnished by the building official. Such  
21 application shall set forth a statement of the facts necessary to fully describe the building, its use, its  
22 legal description, and address. Provisions shall be made by the applicant for the proper abandonment  
23 of all utilities as required by this code before a demolition permit may be issued.

1                   **3303.4 Advisory note; safety requirements.** All demolition work should be  
2 performed in conformance with "Safety Requirements for Demolition," ANSI A10.6-1990 as  
3 published by American National Standards Institute, Inc.

4                   **3303.5 Liability insurance.** Whenever any building which is to be demolished has been  
5 used, or is being used, for any occupancy group except detached one- or two-family occupancies,  
6 the person applying for the demolition permit shall, as a part of the application, be required to:

7                   1.       At all times maintain public liability insurance coverage for all claims arising out of  
8 all work in the City of Lincoln and within three miles of the corporate limits thereof done by or under  
9 the supervision of the demolition contractor under the provisions of this code. Such insurance shall  
10 be in the form of a commercial or comprehensive general liability policy, or an acceptable substitute  
11 policy form as permitted by the City Attorney, with a minimum combined single limit of  
12 \$500,000.00 aggregate for any one occurrence on any job for which a permit is required under this  
13 code, provided the City of Lincoln shall be named an additional insured thereunder. The coverages  
14 required herein shall be subject to review and approval by the City Attorney for conformance with  
15 the provisions of this section.

16                   2.       At all times keep on file with the building official a current certificate of insurance  
17 signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska  
18 and approved by the City Attorney for conformance with the provisions of this section evidencing  
19 the existence of valid and effective policies of insurance naming the city as an additional insured for  
20 the coverage required by subsection 1 of this section, the limits of each policy, the policy number,  
21 the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-  
22 insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring  
23 thirty days notice by mail to the building official before the insurer may cancel the policy for any

1 reason, and upon request of the building official or the City Attorney, a copy of any endorsements  
2 placed on such policies or the declarations page of such policies. Any termination, reduction, or  
3 lapse of such insurance shall automatically terminate the privilege of the demolition contractor to  
4 be issued permits under the provisions of this code, unless other insurance meeting the requirements  
5 of this section is provided and in full force and effect at the time of such termination or cancellation.

6 Where the building official determines that the proposed demolition of a building involves  
7 a greater risk than normal, the building official may require a certificate evidencing liability coverage  
8 in excess of the minimum sum stated above.

9 **3303.6 Permit fees.** A fee for each demolition permit shall be paid to the building official  
10 as follows:

11 Residential building (R-3 Occupancy)	\$100.00
12 Residential accessory building	\$ 25.00
13 All other residential, business or commercial building	\$125.00

14 Where work for which a permit is required by this chapter is commenced prior to obtaining  
15 said permit, the fees above specified shall be doubled. The payment of such double fee shall not  
16 relieve any person from fully complying with the requirements of this chapter in the execution of the  
17 work or from any other penalties prescribed herein.

18 The applicant shall apply and pay for any street use permit, any permit for parking meters  
19 which shall be out of use during the demolition.

20 **3303.7 Utility disconnection.** All water and sanitary sewer services shall be disconnected  
21 and sealed in accordance with the Lincoln Municipal Code Chapter 17.10 and said disconnects shall  
22 be inspected and approved by the Public Works and Utilities Department.

1           **3303.8 Completion of demolition work.** All demolition work, including the removal of  
2 the foundation, must be completed within 60 days from the date of the demolition permit issuance.  
3 Upon completion of the demolition work, the applicant shall clean the premises of all debris, request  
4 an inspection of the premises and then fill all excavations and grade the area with top soil or other  
5 material approved by the building official.

6           **3303.9 Building official may stop demolition.** The building official shall have the  
7 authority to stop the demolition or removal of any building or structure or part thereof, when the  
8 same is being done in a reckless or careless manner, or in violation of the provisions of this chapter  
9 or any other ordinances of the city. When such work is stopped by order of the building official, it  
10 shall not be resumed without approval of the building official.

11           A demolition permit may be revoked by the building official at any time upon a violation of  
12 the terms thereof, or upon a violation of any provision of this chapter or any other ordinance of the  
13 city.

14           **3303.10 Securing the demolition site.** All demolition sites shall be secured at all times  
15 during the demolition process.

16           **3303.11 Expiration.** All demolition permits shall expire after 30 days from issuance. The  
17 building official may allow an extension of 30 days due to extenuating circumstances. Demolition  
18 must be completed in accordance with 3303.8.

19           Section 42. That Title 20 of the Lincoln Municipal Code be amended by adding a  
20 new section numbered 20.08.420 to read as follows:

21           **20.08.420     Section 3306.2 Amended; Walkways.**

22           Section 3306.2 of the International Building Code is amended to read as follows:

1           **3306.2 Walkways.** Protection shall be provided for pedestrians on all sides of a building  
2 being constructed or demolished that borders on a public street or alley by providing a covered  
3 walkway 4 feet (1219 mm) in clear width and 7 feet (2134 mm) in clear height, or as required by  
4 Lincoln Municipal Code Chapter 14.29. Such walkway shall be covered on top with 2-inch (51  
5 mm) (nominal) planking as a minimum, and the sides next to the building shall be covered with  
6 plywood or other materials approved by the building official. The side of the walkway next to the  
7 street shall have a splash guard at least 2 feet (610 mm) in height to protect the pedestrian from  
8 splashing caused by passing automobiles. The building official may also require a raised subfloor  
9 in the walkway. The space within the walkway and the approaches thereto shall be kept well lighted  
10 with artificial lighting continuously between sunset and sunrise. Walkways shall be designed to be  
11 accessible in accordance with Nebraska Accessibility Guidelines.

12           Section 43. That Title 20 of the Lincoln Municipal Code be amended by adding a  
13 new section numbered 20.08.430 to read as follows:

14           **20.08.430     Section 3306.4 Amended; Construction Fences.**

15           Section 3306.4 of the International Building Code is amended to read as follows:

16           **3306.4 Construction fences.** Construction fences shall be at least 4 feet (1219 mm) in  
17 height and shall be securely anchored at each end and every 15 feet (4572 mm) of length. The  
18 largest opening in the fence shall be such that a 6-inch (152 mm) sphere may not pass through it.  
19 The fence shall be erected a distance from the building equal to the height of the building or as  
20 otherwise approved by the building official.

21           Section 44. That Title 20 of the Lincoln Municipal Code be amended by adding a  
22 new section numbered 20.08.440 to read as follows:

1 **20.08.440 Table 3306.1 Amended; Protection of Pedestrians.**

2 Section Table 3306.1 of the International Building Code is amended to read as follows:

3 **Table 3306.1**  
4 **PROTECTION OF PEDESTRIANS**

5

<b>/HEIGHT OF CONSTRUCTION</b>	<b>DISTANCE OF CONSTRUCTION TO LOT LINE</b>	<b>TYPE OF PROTECTION REQUIRED</b>
8 feet or less	Less than 5 feet	Construction fences
	5 feet or more	None
More than 8 feet	Less than 5 feet	Barrier and covered walkway
	5 feet or more, but not more than one-fourth the height of construction	Barrier and covered walkway
	5 feet or more, but between one-fourth and one-half the height of construction	Barrier
	5 feet or more, but exceeding one-half the height of construction	None

9 For SI: 1 foot = 304.8 mm.

10 Section 45. That Title 20 of the Lincoln Municipal Code be amended by adding a  
11 new section numbered 20.08.450 to read as follows:

12 **20.08.450 Section 3306.7 Deleted; Covered Walkways.**

13 Section 3306.7 of the International Building Code is hereby deleted.

14 Section 46. That Title 20 of the Lincoln Municipal Code be amended by adding a  
15 new section numbered 20.08.460 to read as follows:

16 **20.08.460 Section 3308.1 Amended; Temporary Use of Streets and Alleys.**

17 Section 3308.1 of the International Building Code is amended to read as follows:

18 **3308.1 Temporary use of streets and alleys.** The use of public property shall meet the  
19 requirements of Lincoln Municipal Code Chapter 14.29. Whenever requested, plot plans and  
20 construction details shall be submitted for review by the agencies concerned.

1                   **3308.1.1 Obstructions.** Construction materials and equipment shall not be placed  
2 or stored so as to obstruct access to fire hydrants, standpipes, fire or police alarm boxes, catch basins  
3 or manholes, nor shall such material or equipment be located within 20 feet (6.1 m) of a street  
4 intersection, or placed so as to obstruct normal observations of traffic signals or to hinder the use of  
5 public transit loading platforms.

6                   **3308.1.2 Storage on public property.** Material and equipment necessary for work  
7 to be done under a permit shall not be placed or stored on public property except as authorized by  
8 Lincoln Municipal Code, Chapter 14.29.

9                   Section 47. That Title 20 of the Lincoln Municipal Code be amended by adding a  
10 new section numbered 20.08.470 to read as follows:

11                   **20.08.470     Appendix C Adopted; Group U - Agricultural Buildings.**

12                   Appendix C of the International Building Code is hereby adopted.

13                   Section 48. That Title 20 of the Lincoln Municipal Code be amended by adding a  
14 new section numbered 20.08.480 to read as follows:

15                   **20.08.480     Section C101.2 Added; Special Purpose Roofs.**

16                   Section C101.2 is added to Appendix C of the International Building Code to read as follows:

17                   **C101.2 Special purpose roofs.** Roofs to be used for special purposes shall be designed for  
18 appropriate loads as approved by the building official. Greenhouse roof bars, purlins, and rafters  
19 shall be designed to carry a 100-pound minimum concentrated load in addition to the live load of  
20 fifteen pound per square foot.

21                   Section 49. That Sections 1 through 48 hereof be codified in the Lincoln Municipal  
22 Code as Chapter 20.08, the Lincoln Building Code.

1                   Section 50. That Chapter 20.12 of the Lincoln Municipal Code as hitherto existing  
2 be and the same is hereby repealed in its entirety.

3                   Section 51. Pursuant to Article VII, Section 7 of the City Charter, this ordinance  
4 shall be posted on the official bulletin board of the City in lieu of and in place of newspaper  
5 publication with notice of passage and such posting to be given by publication one time in the  
6 official newspaper by the City Clerk. This ordinance shall be in full force and effect as of June 1,  
7 2002, after its passage and publication as herein and in the City Charter provided.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Staff Review Completed:

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Administrative Assistant

Approved this \_\_\_ day of \_\_\_\_\_,  
2002:

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\_\_\_\_\_  
Mayor