

CHAPTER 20.08

LINCOLN BUILDING CODE

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20.08.450	Section 3306.7 Deleted; Covered Walkways.
20.08.460	Section 3308.1 Amended; Temporary Use of Streets and Alleys.
20.08.470	Appendix C Adopted; Group U - Agricultural Buildings.
20.08.475	Section C105 Added; Snow Load.

20.08.010 Adoption of International Building Code, 2009 Edition.

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

- (a) International Building Code, 2009 Edition, First Printing (including Appendix C, as published by the International Code Council, Inc.) hereinafter referred to as the International Building Code.

(b) Elevated Residential Structures F.E.M.A. Publication No. 54, dated March 1984, published by U.S. Government Printing Office: 2002-717-395/96287.

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

The documents described in (b) and (c) above are adopted for reference to design standards and techniques only, as they relate to “floodproofing” of approved buildings located in the flood hazard areas of the City of Lincoln, Nebraska, as set forth in Chapters 27.52 and 27.53 of the Lincoln Municipal Code.

One printed copy of each publication described above has been filed in the office of the City Clerk for use and examination by the public. (Ord. 19559 §1; June 20, 2011; prior Ord. 19034 §1; January 7, 2008; Ord. 17997 §1; May 13, 2002).

20.08.020 Section 101.1 Amended; Citation of Code.

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

101.1 Citation of code. These regulations shall be known and cited as the “Lincoln Building Code” and will be referred to herein as “this code.” (Ord. 17997 §2; May 13, 2002).

20.08.030 Section 101.3 Amended; Intent.

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

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

The intent of this code is not to create or otherwise establish or designate any particular case or group of persons who will or should be especially protected or benefited by the terms of this code. (Ord. 17997 §3; May 13, 2002).

20.08.040 Section 101.4 Amended; Referenced Codes.

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

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

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

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

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

101.4.4 Plumbing. The provisions of the Lincoln Plumbing Code, Chapter 24.12 of the Lincoln Municipal Code, shall apply to the installation, alterations, repairs, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.5 Fire Prevention. The provisions of the Lincoln Fire Code, Chapter 19.03 of the Lincoln Municipal Code, shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Property Maintenance. The provisions of the Property Maintenance Code of the City of Lincoln, Chapter 21.05 of the Lincoln Municipal Code, shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. (Ord. 19559 §2; June 20, 2011; prior Ord. 19034 §2; January 7, 2008; Ord. 17997 §4; May 13, 2002).

20.08.045 Section 102.1 Amended; Applicability; General.

Section 102.1 of the International Building Code is amended to read as follows:

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where there is a conflict between the International Building Code, as adopted or amended, any other section of the Lincoln Municipal Code, or recommendation or requirement from a manufacturer, the most restrictive shall govern. (Ord. 19034 §3; January 7, 2008).

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

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

103.1 Director of building and safety; duty. The Department of Building and Safety is hereinafter designated as the building department under the jurisdiction of the Director of Building and Safety, who is hereinafter designated as the building official. (Ord. 17997 §5; May 13, 2002).

20.08.060 Section 105.1 Amended; Permits Required.

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

105.1 Permits required. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy, or demolish any building, structure, swimming pool, or parking lot in the city, or within three miles of the corporate limits of the city and outside of any other organized city or village, or cause the same to be done, without first obtaining a building permit from the building official. A separate building permit is required for each building or structure. A building permit for a building or structure may also permit work on a swimming pool and parking lot if the plans for the swimming pool or parking lot are approved by the building official in conjunction with issuance of the building permit. (Ord. 19034 §4; January 7, 2008; prior Ord. 17997 §6; May 13, 2002).

20.08.065 Section 105.3.2 Amended; Time Limitation of Application.

Section 105.3.2 of the International Building Code is amended to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. The fee for any such extension shall be as set forth in Table 1B in Section 20.08.090 of the Lincoln Municipal Code. (Ord. 19559 §3; June 20, 2011).

20.08.067 Section 105.5 Amended; Expiration and Reinstatement.

Section 105.5 of the International Building Code is amended to read as follows:

105.5 Expiration and Reinstatement. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

In the event a permit expires without the work therein completed, the permit may be reinstated if requested by the original applicant in writing within 14 days of expiration. The request for reinstatement must state the reason or reasons why the permit should be reinstated. The building official is in no way required to grant a reinstatement, even if the request is timely made. The fee for a reinstatement, if granted, shall be as set forth in Table 1B of Section 20.08.090 of the Lincoln Municipal Code. (Ord. 19559 §4; June 20, 2011).

20.08.070 Section 105.2 Amended; Work Exempt from Permit.

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

105.2 Work exempt from permit. A building permit will not be required for the following:

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

Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. (Ord. 19034 §5; January 7, 2008; prior Ord. 17997 §7; May 13, 2002).

20.08.075 Section 105.4.1 Added; Orders Not Stayed.

Section 105.4.1 is added to the International Building Code to read as follows:

105.4.1 Orders not stayed. Orders, deadlines, provisions and/or penalties established by the building official or any other officer or other designated authority with the City of Lincoln charged with the administration and enforcement of any code or ordinance under the Lincoln Municipal Code shall not be stayed or nullified because of the issuance or granting of a building permit. (Ord. 19034 §6; January 7, 2008).

20.08.080 Section 107.1 Amended; Submittal Documents.

Section 107.1 of the International Building Code is amended to read as follows:

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

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

(Ord. 19559 §5; June 20, 2011; prior Ord. 17997 §8; May 13, 2002).

20.08.090 Section 109.3 Amended; Permit Fees.

Section 109.3 of the International Building Code is amended to read as follows:

109.3 Permit fees. The fee for each permit shall be as set forth in Table 1A and Table 1B below:

TABLE 1A -- BUILDING PERMIT FEES

Total Valuation	Fee
\$0 to and including \$10,000	\$8.00 per \$1,000 value
\$10,001 to \$25,000	\$5.00 per \$1,000 value
Over \$25,000	\$2.00 per \$1,000 value
Reinspection fee (wrong address, work does not pass inspection, work not complete, etc.)	\$50.00

TABLE 1B -- MISCELLANEOUS FEES

Permit	Fee
Cell Tower	\$250.00 in addition to building permit fee
Co-location	\$100.00 in addition to building permit fee if structural review by outside consultant is required
Occupancy	\$30.00 per permit; \$10.00 per copy
Demolition	Residential - \$200.00 Commercial - \$250.00 plus \$.01 per sq. ft. Garages - \$30.00
Fire Damage Investigation	\$100.00 in addition to building or demolition permit fee
Building Damage Investigation	\$100.00 in addition to building or demolition permit fee
Expedited Plan Review	100% of plan review fee, with a minimum of \$300.00 and a maximum of \$6,000.00
Extension of Active Building Permit Application	10% of plan review fee
Reinstatement of Expired Permit	100% of plan review fee

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 ICC 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.

109.3.1 Plan review fees. When a plan or other data are required to be submitted by Section 107.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees shall also cover zoning, special permit, use permit, or planned unit development reviews. Said plan review fee shall be an amount equal to 65% of the building permit fee as shown in Table 1A above, or \$100.00 whichever is greater, 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 109.3 and shall not be credited to the total building permit fee if such permit is issued. There shall be no refund for plan review after any plan review has been completed by the Department of Building and Safety, even if the application is withdrawn.

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

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

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

109.3.1.1 Fee for work commencing before permit issuance. When construction begins before the permit has been issued, the applicant shall pay an investigation fee. This fee for work commencing before permit issuance shall be equal to the amount of the permit fee and shall be applied after one or more inspections have been made to verify that work requiring a permit has been performed without a plan review and inspection during construction.

No additional fee shall be added if the work is of an emergency nature where a delay in performing the work may cause a risk of life or health or will significantly increase the risk of property damage, provided a permit is applied for within 48 hours of the start of the work, in which case the permit application fee shall be assessed.

109.3.2 Fair Housing Act Plan Review & Inspection Fees. A fee of \$30.00 shall be assessed for each dwelling unit in a multi-family building for review and inspection regarding the Fair Housing Act based on Federal and State Laws.

109.3.3 Flood plain development fees.

109.3.3.1 A fee shall be assessed for any development permit applied for under Lincoln Municipal Code Chapters 27.52 and 27.53 and shall be paid at the time of application therefor. The fee for each permit shall be as follows:

Flood Plain Development Permit Fees

Flood Plain Permit	15% of Building Fee (\$250.00 Minimum)
Flood Plain - All other Development (roads, trails, pipelines& levees)	\$250.00
Flood Plain Permit – Fill	\$250.00 + \$50.00 per acre (\$2,500.00 Maximum)
Flood Plain – Mobile Home Placement	\$50.00
Floodplain – Accessory Buildings	\$50.00
Flood Plain – Residential Non-substantial Improvement	\$100.00

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

109.3.3.3 Any work requiring a development permit commenced prior to the issuance of the permit shall result in the assessment of an investigation fee in accordance with Section 109.4 of the Lincoln Building Code, which investigation fee shall be in addition to the development permit fee.

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

109.3.3.5 Expiration. Permit application and permits shall expire in accordance with Section 105. (Ord. 19559 §6; June 20, 2011: prior Ord. 19034 §7; January 7, 2008: Ord. 17997 §9; May 13, 2002).

20.08.100 Section 109.6 Amended; Fee Refunds.

Section 109.6 of the International Building Code is amended to read as follows:

109.6 Fee refunds. There shall be no refunds or credits given on permits or applications regulated by this chapter which have expired. Permit holders returning an unused permit prior to the expiration date of the permit shall be limited to a maximum refund amounting to two-thirds of the total building permit fee, with the remaining one-third to be used to pay the cost of processing the permit. The Building Official may authorize refunding of not more than two-thirds of the plan review fee or permit deposit paid when an application for a permit for which such fee has been paid is withdrawn or canceled before any plan reviewing is done.

No refund shall be issued on a permit deposit or plan review fee, flood plain development fee, demolition fee, or any other fee collected by the department, where refund amount is less than \$50.00. Where a fee has been collected in error, the building official may authorize a 100% refund. (Ord. 19559 §7; June 20, 2011: prior Ord. 19034 §8; January 7, 2008: Ord. 17997 §10; May 13, 2002).

20.08.110 Section 110.1 Amended; Inspections and Surveys.

Section 110.1 of the International Building Code is amended to read as follows:

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

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

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

The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of one-half inch and minimal length of twenty-four inches. A durable cap bearing the registration number of the professional land surveyor responsible for the establishment of the monument shall be affixed securely to the top of each monument.

Said permanent survey monument shall be maintained and readily identifiable during the entire period of the time that the construction work is being accomplished for which a permit is required.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. (Ord. 19559 §8; June 20, 2011: prior Ord. 19034 §9; January 7, 2008: Ord. 17997 §11; May 13, 2002).

20.08.115 Section 110.3.3 Deleted: Lowest Floor Elevation.

Section 110.3.3 of the International Building Code is hereby deleted. This section will be covered by Lincoln Municipal Code Chapters 27.52 and 27.53. (Ord. 19559 §9; June 20, 2011: prior Ord. 19034 §10; January 7, 2008).

20.08.120 Section 110.3.11 Added; Reinspections.

Section 110.3.11 is added to the International Building Code to read as follows:

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

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

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

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid. (Ord. 19559 §10; June 20, 2011: prior Ord. 17997 §12; May 13, 2002).

20.08.130 Section 110.7 Added; Address Identification.

Section 110.7 is added to the International Building Code to read as follows:

110.7 Address identification. All additions, alterations, or repairs for which a permit is required by this code shall be provided with a construction address identification sign. Said identification sign shall be a sign of metal, wood, plastic, or other approved rigid material with permanent identification numbers and letters thereon indicating the legally assigned street or other type address assigned by the building official. Said identification sign shall have numbers and letters of such size and shall be so placed upon the construction site that said sign is readily visible and identifiable from the public street. Said identification sign shall be properly maintained during the entire period of time that the construction or work is being accomplished or maintained. (Ord. 19559 §11; June 20, 2011: prior Ord. 17997 §13; May 13, 2002).

20.08.140 Section 111 Amended; Certificate of Occupancy.

Section 111 of the International Building Code is amended to read as follows:

SECTION 111 -- CERTIFICATE OF OCCUPANCY

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

It shall be the responsibility of a permit holder or the permit holder's agent to call for all required inspections, including the final inspection, of all additions, alterations, or repairs performed under a building permit. Final inspection shall be called for by the permit holder or the permit holder's agent prior to occupancy of the building or structure or portion thereof. In the event any permit holder or permit holder's agent shall fail to call for required inspections as herein provided or in the event any permit holder or permit holder's agent shall have a backlog of one or more permit(s) with no final inspections completed, the building official is authorized to withhold further issuance of any permit or perform any further inspections under this code to said permit holder or the permit holder's agent until required inspections have been completed as provided by this code. Written notice shall be given to the permit holder by the building official.

111.2 Change in use. Changes in the character or use of a building shall not be made except as specified in Chapter 34 of this code.

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

111.4 Temporary certificate. If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. A 30-day temporary certificate may be issued for interior items and a 90-day temporary certificate may be issued for exterior items upon written request, subject to the approval of the building official. An additional 30 days may be granted by the building official upon written request and a fee of \$100.00. Each additional 30-day extension will constitute the necessity of an additional fee.

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

111.6 Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code. (Ord. 19559 §12; June 20, 2011: prior Ord. 19034 §11; January 7, 2008: Ord. 17997 §14; May 13, 2002).

20.08.145 Section 112 Deleted; Service Utilities.

Section 112 of the of the International Building Code is hereby deleted. (Ord. 19559 §13; June 20, 2011: prior Ord. 19034 §12; January 7, 2008).

20.08.150 Section 113 Amended; Board of Appeals.

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

SECTION 113 -- BOARD OF APPEALS

113.1 Creation. There is hereby created a Building Appeals Board consisting of seven members and shall hereinafter be referred to as the Building Code Board of Appeals.

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

- (1) The Building Official (ex officio member);
- (2) The Building Services Manager for the City of Lincoln (ex officio member);
- (3) A registered professional architect who has passed the State of Nebraska's architect examination and is a representative from business and industry;
- (4) A registered professional engineer actively engaged in and is a representative from business and industry;
- (5) A general building contractor;
- (6) A residential building contractor;
- (7) A State of Nebraska registered engineer or architect.

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

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

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

113.4 Appeals to Board. Any person who is aggrieved by any decision of the Building Official relating to suitability of alternate materials, methods of construction, or interpretations of any provisions of this code, and any person who seeks a variance from the strict application of this code for the alteration or repair of existing buildings whenever there are practical difficulties involved in carrying out the provisions of this code, may appeal such decision by filing an appeal on forms furnished by the Building Official within thirty days from the date of such decision. The filing of a completed appeals form, along with the payment of the prescribed fee, shall be sufficient for the purpose of commencing an appeal proceeding hereunder:

- (1) A \$250.00 fee for review of a decision of the Building Official interpreting a provision or provisions of this code;
- (2) A \$250.00 fee for review of a decision of the Building Official concerning the suitability of alternate materials or types of installation.

113.5 Hearing Date. The Building Official shall refer all properly and timely filed appeals to the Building Code Board of Appeals for hearing. The secretary of said board shall in each appeal

notify the appellant in writing of the date, time, and place of hearing before the board, which date shall be no later than thirty days from the filing of the appeal. Such notice shall be served upon the applicant by personal service or registered mail.

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

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

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

113.8 Enforcement. Enforcement of any decision, notice, or order of the Building Official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed, except in cases of emergency, where enforcement of the same is necessary for the protection of life, limb, or property. (Ord. 19559 §14; June 20, 2011: prior Ord. 19034 §13; January 7, 2008: Ord. 17997 §15; May 13, 2002).

20.08.160 Section 114 Amended; Violations and Penalties.

Section 114 of the International Building Code is amended to read as follows:

SECTION 114 -- VIOLATIONS AND PENALTIES

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

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

114.3 Prosecution of violation. If the notice of violation is not complied with and the abatement or correction of the violation is not completed within the time frame given in the notice of violation, the Building Official may withhold issuance of any further building permits and may withhold any further inspection pending compliance with the order of abatement or correction and the Building Official is authorized to request the legal counsel of the jurisdiction to institute the

appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Work commencing without permit. Buildings or structures that have been partially constructed, but have no building permit to continue construction, shall be deemed to be a violation of this code. Each day that a partially constructed building or structure exists without a building permit constitutes a new violation. The building official shall have the authority to exercise any powers granted under this code to compel completion of a partially constructed building or structure, refer for prosecution as a violation, or seek demolition in accordance with this code or Chapter 20.04 of the Lincoln Municipal Code. (Ord. 19559 §15; June 20, 2011: prior Ord. 19034 §14; January 7, 2008: Ord. 17997 §16; May 13, 2002).

20.08.165 Section 115 Amended; Stop Work Order.

Section 115 of the International Building Code is amended to read as follows:

115.1 Notice to owner. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order. Upon notice from the building official that work on any building or structure is being performed contrary to the provisions of this code or in an unsafe and dangerous manner, such work will be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work shall be permitted to resume. If the owner or owner's agent fails to comply with the stop work order or fails to correct any violations or unsafe and dangerous work practices ordered to be abated or corrected within thirty days or the time frame given in the stop work order, the building official shall withhold issuance of any further building permits and withhold any further inspections pending compliance with the stop work order and abatement or correction of any violations or unsafe and dangerous work practices.

115.2 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

115.3 Time to correct violations. The International Building Code violations or any other Lincoln Municipal Code violations stated in the stop work order shall be abated within thirty days, unless directed otherwise by the building official, or be subject to penalties as prescribed in this code. (Ord. 19559 §16; June 20, 2011: prior Ord. 19034 §15; January 7, 2008).

20.08.170 Section 305.2 Amended; Day Care.

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

305.2 Day care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than twelve children older than 2 1/2 years of age, shall be classified as a Group E occupancy. (Ord. 17997 §17; May 13, 2002).

20.08.172 Section 310.1 Amended; Residential Group R; R-3 Residential Occupancies.

The R-3 Residential Occupancies of Section 310.1 of the International Building Code are amended to read as follows:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units.

Adult facilities that provide accommodations for twelve or fewer persons of any age for less than 24 hours.

Child care facilities that provide accommodations for twelve or fewer persons of any age for less than 24 hours.

Congregate living facilities with 16 or fewer persons.

Adult and child care facilities that are within a single-family home are permitted to comply with the International Residential Code. (Ord. 19034 §16; January 7, 2008).

20.08.174 Section 406.1.2 Amended; Area Increase of Group U Occupancies.

Section 406.1.2 of the International Building Code is amended to read as follows:

406.1.2 Area increase. Group U occupancies used for the storage of private or pleasure-type motor vehicles where no repair work is completed or fuel is dispensed are permitted to be 3,000 square feet (279 m²) when the following provisions are met:

1. For a mixed occupancy building, the exterior wall and opening protection for the Group U portion of the building shall be as required for the major occupancy of the building. For such a mixed occupancy building, the allowable floor area of the building shall be as permitted for the major occupancy contained therein.

2. For a building containing only a Group U occupancy, the exterior wall shall not be required to have a fire-resistance rating and the area of openings shall not be limited when the fire separation distance is 5 feet (1524 mm) or more.

More than one 900-square-foot Group U occupancy shall be permitted to be in the same building, provided each 900-square-foot area is separated by fire walls complying with Section 705. (Ord. 19034 §17; January 7, 2008).

20.08.176 Section 406.1.4 Amended; Private Garage Separation.

Section 406.1.4 of the International Building Code is amended to read as follows:

406.1.4 Separation. Separations shall comply with the following:

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum 5/8-inch Type X gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) thick, or doors in compliance with Section 715.4.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. A separation is not required between a Group R-3 and U carport, provided the carport is entirely open on two or more sides and there are not enclosed areas above. (Ord. 19034 §18; January 7, 2008).

20.08.178 Section 423.3 Added; Construction of Storm Shelters.

Section 423.3 is added to the International Building Code to read as follows:

423.3 Construction of Storm Shelters. Buildings, structures, and parts thereof intended for use as a storm shelter shall be designed and constructed in accordance with the recommendations

of the Federal Emergency Management Agency and design standard FEMA 361. (Ord. 19559 §17; June 20, 2011).

20.08.180 Section 501.2 Amended; Premises Identification.

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

501.2 Premises identification. Buildings shall have approved address numbers, building numbers or approved building identification in accordance with Lincoln Municipal Code Chapter 14.24. Address numbers shall be a minimum of four (4) inches in height, except address numbers located on a building set back any distance from the property line shall be a minimum of (8) inches in height. (Ord. 19034 §19; January 7, 2008: prior Ord. 17997 §18; May 13, 2002).

20.08.190 Section 503.1.4 Added; Location on Property.

Section 503.1.4 is added to the International Building Code to read as follows:

503.1.4 Location on property. Buildings shall adjoin or have access to a public way or yard on not less than one side. Required yards shall be permanently maintained. For the purpose of this section, the centerline of an adjoining public way shall be considered an adjacent property line. Active primary railroad lines where rail cars cannot be parked for extended periods of time may also be considered as a public way. (Ord. 19034 §20; January 7, 2008: prior Ord 17997 §19; May 13, 2002).

20.08.200 Section 503.1.5 Added; Primary Railroad Lines.

Section 503.1.5 is added to the International Building Code to read as follows:

503.1.5 Primary railroad lines. For the purpose of this section, active primary railroad lines where rail cars cannot be parked for extended periods of time may also be considered as a public way. (Ord. 19034 §21; January 7, 2008: prior Ord. 17997 §20; May 13, 2002).

20.08.215 Sections 717.2 and 717.2.1 Amended; Fireblocking; Materials.

Sections 717.2 and 717.2.1 of the International Building Code are amended to read as follows:

717.2 Fireblocking required. Fireblocking shall be provided to cut off all concealed draft openings (both vertical and horizontal) and to form an effective fire barrier between stories, and between a top story and the roof space. Fireblocking shall be provided in wood-frame construction in the following locations:

1. In concealed spaces of stud walls and partitions, including furred spaces, at the ceiling and floor level and at 10 foot (3048 mm) intervals both vertical and horizontal. Batts or blankets of mineral or glass fiber or other approved non-rigid materials shall be allowed as fireblocking in walls constructed using parallel rows of studs or staggered studs.
2. Fireblocking of cornices of a two-family dwelling is required at the line of dwelling unit separation.

717.2.1 Materials. Fireblocking shall consist of 2-inch (51 mm) nominal lumber, or two thicknesses of 1-inch (25.4 mm) nominal lumber with broken lap joints, or one thickness of 23 /32-inch (19.8 mm) wood structural panels with joints backed by 23/32-inch (19.8 mm) wood structural panels or one thickness of 3/4-inch (19.1 mm) particle board with joints backed by 3 /4 -inch (19.1 mm) particle board, 1/2-inch (12.7 mm) gypsum board, or 1/4-inch (6.4 mm) cement-based millboard. Loose-fill insulation material shall not be used as a fire block unless specifically tested

in the form and manner intended for use to demonstrate its ability to remain in place and to retard the spread of fire and hot gases. The integrity of all fireblocks shall be maintained. (Ord. 19034 §23; January 7, 2008).

20.08.220 Section 717.4.2 Exception 3 Amended; Draftstopping in Attics; Groups R-1 and R-2.

Exception 3 to Section 717.4.2 of the International Building Code is amended to read as follows:

3. In occupancies in Groups R-1 and R-2 that do not exceed four stories in height, the attic space shall be subdivided by draftstops into areas not exceeding 3,000 square feet (279 m²).

(Ord. 19034 §24; January 7, 2008; prior Ord. 17997 §22; May 13, 2002).

20.08.223 Section 903.2.7; Group M Sprinkler Requirements.

Section 903.2.7 of the International Building Code is hereby amended to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 12,000 square feet (1115m²).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).

(Ord. 19559 §18; June 20, 2011).

20.08.225 Section 903.2.8 Exception Added; Group R Sprinkler Requirements .

Section 903.2.8 of the International Building Code is amended to read as follows:

[F] 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: A sprinkler system is not required when all of the following conditions exist:

- (1) The building is an R-2 apartment occupancy and contains 8 or fewer apartment units
- (2) Separation is maintained between living units by means of 1 hour fire partitions creating a complete vertical separation from foundation to roof.
- (3) Each living unit has its own separate exit access independent of other living units.

(Ord. 19559 §19; June 20, 2011; prior Ord. 19034 §25; January 7, 2008).

20.08.230 Section 1003.5 Exception 4 Added; Floor Elevation.

Section 1003.5 of the International Building Code is amended by adding Exception 4 to read as follows:

Exception 4. Doors serving building equipment rooms which are not normally occupied.

(Ord. 19034 §26; January 7, 2008; prior Ord. 17997 §23; May 13, 2002).

20.08.232 Section 1004.1.1 Amended; Occupant Load in Areas without Fixed Seating.

Section 1004.1.1 of the International Building Code is amended to read as follows:

1004.1.1 Areas without fixed seating. The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.1. For areas without fixed seating, the occupant load shall not be less than that number determined by dividing the floor area under

consideration by the occupant per unit of area factor assigned to the occupancy as set forth in Table 1004.1.1. Where an intended use is not listed in Table 1004.1.1, the building official shall establish a use based on a listed use that most nearly resembles the intended use. (Ord. 19034 §27; January 7, 2008).

20.08.235 Section 1007.3 Exception 2 Amended; Exit Stairway Area of Refuge.

(Repealed by Ord. 19559 §20; June 20, 2011: prior Ord. 19034 §28; January 7, 2008).

20.08.240 Section 1008.1.8.6 Amended; Delayed Egress Locks.

Section 1008.1.8.6 of the International Building Code is amended to read as follows:

1008.1.8.6 Delayed egress locks. Approved, listed, delayed egress locks shall be permitted to be installed on doors serving any occupancy except Group A and H occupancies in buildings which are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors unlock in accordance with Items 1 through 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit.

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

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

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

4. The initiation of an irreversible process which will release the latch in not more than 15 seconds when a force of not more than 15 pounds (67 N) is applied for 1 second to the release device. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the door lock has been released by the application of force to the releasing device, relocking shall be by manual means only.

Exception: Where approved, a delay of not more than 30 seconds is permitted.

5. A sign shall be provided on the door located above and within 12 inches (305 mm) of the release device reading: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 SECONDS.

6. Emergency lighting shall be provided at the door. (Ord. 19034 §29; January 7, 2008: prior Ord. 17997 §24; May 13, 2002).

20.08.250 Section 1009.1 Exception 5 Added; Stairway Width.

Section 1009.1 of the International Building Code is amended by adding an Exception 5 to read as follows:

Exception 5. Private stairways serving less than 10 occupants within an individual apartment unit (R2) may be 34 inches in width.

(Ord. 19034 §30; January 7, 2008: prior Ord. 17997 §25; May 13, 2002).

20.08.260 Section 1009.3 Exception 4 Amended; Stair Treads and Risers.

Exception 4 to Section 1009.3 of the International Building Code is amended to read as follows:

Exception 4: In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwellings units in Group R-2 occupancies; the maximum riser height shall be 7.75 inches (197 mm); the minimum tread depth shall be 10 inches (254 mm) including nosing; the minimum winder tread depth at the walk line shall be 10 inches including nosing (254 mm); and the minimum winder tread depth shall be 7 inches (152 mm).

(Ord. 19034 §31; January 7, 2008; prior Ord. 17997 §26; May 13, 2002).

20.08.265 Section 1009.4.2 Exception 8 Added; Stair Riser Height and Tread Depth.

Section 1009.4.2 of the International Building Code is amended by adding an Exception 8 to read as follows:

8. Private steps and stairways serving ancillary areas such as mechanical rooms and stairways to unoccupied roofs may be constructed with an eight-inch maximum rise and nine-inch minimum tread depth.

(Ord. 19559 §21; June 20, 2011).

20.08.275 Section 1013.2 Amended; Guard Height.

Section 1013.2 of the International Building Code is amended to read as follows:

1013.2 Height. Guards shall form a protective barrier not less than 42 inches (1067 mm) high, measured vertically above the leading edge of the tread, adjacent walking surface or adjacent seatboard.

Exceptions:

1. Guards shall form a protective barrier not less than 36 inches (1067 mm) high, for occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2.(Excluding exterior balcony railings)
2. For occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, guards whose top rail also serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.
3. The height in assembly seating areas shall be in accordance with Section 1025.14. (Ord. 19034 §33; January 7, 2008).

20.08.277 Section 1014.2.1 Amended; Exit Access, Multiple Tenants.

Section 1014.2.1 of the International Building Code is amended to read as follows:

1014.2.1 Multiple tenants. Where more than one tenant occupies any one floor of a building or structure, each tenant space, dwelling unit and sleeping unit shall be provided with access to the required exits without passing through adjacent tenant spaces, dwelling units and sleeping units. (Ord. 19034 §34; January 7, 2008).

20.08.280 Chapter 11 Deleted; Accessibility.

Chapter 11 of the International Building Code and all sections thereof are hereby deleted. (Ord. 17997 §28; May 13, 2002).

20.08.290 Section 1205.1 Amended; Lighting, General.

(Repealed by Ord. 19559 §22; June 20, 2011: prior Ord. 19034 §35; January 7, 2008: Ord. 17997 §29; May 13, 2002).

20.08.300 Chapter 13 Deleted; Energy Code.

Chapter 13 of the International Building Code is hereby deleted. This section will be covered by State law and regulations. (Ord. 19034 §36; January 7, 2008: prior Ord. 17997 §30; May 13, 2002).

20.08.305 Sections 1403.5 and 1403.6 Deleted; Flood Resistance.

Sections 1403.5 and 1403.6 of the International Building Code are hereby deleted. This section will be covered by Lincoln Municipal Code Chapters 27.52 and 27.53. (Ord. 19034 §37; January 7, 2008).

20.08.310 Section 1405.4 Amended; Wood Veneers.

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

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

1. The veneer does not exceed three stories in height, measured from grade, except where fire-retardant-treated wood is used, the height shall not exceed four stories.
2. The veneer is attached to or furred from a non-combustible backing that is fire-resistance rated as required by other provisions of this code.
3. Where open or spaced wood veneers (without concealed spaces) are used, they shall not project more than 24 inches (610 mm) from the building wall.
4. Any deteriorated or rotting veneer shall be removed prior to installing new veneer. An approved weather barrier shall be installed over the existing wood exterior veneer prior to overlaying with a new veneer product. (Ord. 17997 §31; May 13, 2002).

20.08.315 Section 1406.3 Amended; Balcony and Similar Projections; Fire Resistance.

Section 1406.3 of the International Building code is amended to read as follows:

1406.3 Balconies and similar projections. Balconies, roof soffits, and similar projections of combustible construction other than fire-retardant-treated wood shall be fire-resistance rated in accordance with Table 601 for floor construction or shall be of Type IV construction in accordance with Section 602.4. The aggregate length shall not exceed 50 percent of the building's perimeter on each floor.

Exceptions:

1. On buildings of Type I and II construction, three stories or less in height, fire-retardant-treated wood shall be permitted for balconies, porches, decks and exterior stairways not used as required exits.
2. Untreated wood is permitted for pickets and rails or similar guardrail devices that are limited to 42 inches (1067 mm) in height.
3. Balconies and similar projections on buildings of Type III, IV and V construction shall be permitted to be of Type V construction, and shall not be required to have a fire-resistance rating where sprinkler protection is extended to these areas.

4. Where sprinkler protection is extended to the balcony areas, the aggregate length of the balcony on each floor shall not be limited. (Ord. 19034 §38; January 7, 2008).

20.08.318 Section 1509.6 Added; Outdoor Deck Framing for Roof Top Seating and Assembly Areas.

Section 1509.6 is added to the International Building Code to read as follows:

1509.6 Outdoor deck framing for roof top seating and assembly areas. Combustible wood framing may be permitted on roof tops of buildings provided that the roof is not located more than 75 feet above the lowest level of fire department vehicle access. In addition to this limitation, the combustible framing may not exceed four feet in height above the floor or deck level used as a walking surface. Similar structures that exceed 48 inches in height shall be of a type of construction not less in fire-resistance rating than required for the building to which it is attached. Occupied roofs shall be provided with exits as required for stories, regardless of whether roof top construction is enclosed or open to the sky. Any such structure that is covered shall be provided with all fire protection systems required for the building to which it is attached. All such structures intended for human occupancy shall have minimum 42 inch high guard rails regardless of their height above the plane of the roof. Floor deck area shall be limited to one-third total roof area. (Ord. 19559 §23; June 20, 2011).

20.08.320 Section 1510.3 Amended; Recovering vs. Replacement.

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

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

1. Where the existing roof or roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Before applying new roof sheathing, all old roof covering materials shall be removed and the roof's original sheathing exposed. New roofing materials shall not be installed over existing rotten or deteriorated shingles or sheathing. No more than two layers of shingles may be installed on a roof. Subsequent roofing after two layers of shingles will require the removal of all shingles to the base roof sheathing or structure. (Ord. 19034 §39; January 7, 2008; prior Ord. 17997 §32; May 13, 2002).

20.08.325 Section 1607.11.2.2 Amended; Special Purpose Roofs.

(Repealed by Ord. 19559 §24; June 20, 2011; prior Ord. 19034 §40; January 7, 2008).

20.08.330 Section 1608.2 Amended; Ground Snow Loads.

1608.2 Ground snow loads. The ground snow loads to be used in determining the design snow loads for roofs are given in ASCE 7 or Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. The ground snow load shown in Table 1608.2 for Lincoln and Lancaster County, Nebraska shall be 30 pounds per square foot. (Ord. 19034 §41; January 7, 2008; prior Ord. 17997 §33; May 13, 2002).

20.08.340 Section 1608.3 Amended; Rain-on-Snow Surcharge Load.

(Repealed by Ord. 19559 §25; June 20, 2011; prior Ord. 19034 §42; January 7, 2008; prior Ord. 17997 §34; May 13, 2002).

20.08.350 Section 1612 Deleted; Flood Loads.

Section 1612 of the International Building Code and all subsections thereof are hereby deleted. This section will be covered by Lincoln Municipal Code Chapters 27.52 and 27.53. (Ord. 19034 §43; January 7, 2008; prior Ord. 17997 §35; May 13, 2002).

20.08.353 Section 1704.1 Amended; Special Inspections; General.

Section 1704.1 of the International Building Code is amended to read as follows:

1704.1 General. Where application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more approved agencies to perform inspections during construction on the types of work listed under Section 1704. These inspections are in addition to the inspections identified in Section 110. Special inspections are mandatory to occupancy categories III and IV as described within IBC Table 1604.5.

The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the building official, for the inspection of the particular type of construction or operation requiring special inspection. The registered design professional in responsible charge and engineers of record involved in the design of the project are permitted to act as the approved agency and their personnel are permitted to act as the special inspector for the work designed by them, provided those personnel meet the qualification requirements of this section to the satisfaction of the building official. The special inspector shall provide written documentation to the building official demonstrating his or her competence and relevant experience or training. Experience or training shall be considered relevant when the documented experience or training is related in complexity to the same type of special inspection activities for projects of similar complexity and material qualities. These qualifications are in addition to qualifications specified in other sections of this code. A list of approved special inspectors can be accessed online at www.lincoln.ne.gov/city/build/comercl/specialinspectors.pdf.

Exceptions:

1. Special inspections are not required for work of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official.
2. Special inspections are not required for building components unless the design involves the practice of professional engineering or architecture as defined by applicable state statutes and regulations governing the professional registration and certification of engineers or architects.
3. Unless otherwise required by the building official, special inspections are not required for Group U occupancies that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1.

(Ord. 19559 §26; June 20, 2011).

20.08.355 Section 1803.4 Deleted: Flood Hazard Areas, Grading and Fill.

Section 1803.4 of the International Building Code is hereby deleted. This section will be covered by Lincoln Municipal Code Chapters 27.52 and 27.53. (Ord. 19034 §45; January 7, 2008).

20.08.357 Section 1809.5 Amended; Frost Protection.

Section 1809.5 of the International Building Code is amended to read as follows:

1809.5 Frost protection. Foundation walls, piers, and other permanent supports of buildings and structures shall be protected by one or more of the following methods:

- (1) Extending below the frost line of the locality; or
- (2) Erecting on solid rock.

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

1. Classified in Occupancy Category I, in accordance with Section 1604.5;
2. Area of 600 square feet (56 m²) or less for light-frame construction or 400 square feet (37 m²) or less for other than light-frame construction; and
3. Eave height of 10 feet (3048 mm) or less.

Footings shall not bear on frozen soil unless such condition is of a permanent character. (Ord. 19559 §27; June 20, 2011: prior Ord. 19034 §46; January 7, 2008).

20.08.359 Section 1807.1.2.1 Deleted; Flood Hazard Areas.

Section 1807.1.2.1 of the International Building Code is hereby deleted. This section will be covered by Lincoln Municipal Code Chapter 27.52 and 27.53. (Ord. 19034 §47; January 7, 2008).

20.08.365 Section 2304.11.5.1 Added; Deck Supporting Structure.

Section 2304.11.5.1 is added to the International Building Code read as follows:

2304.11.5.1 Deck supporting structure. Decks shall be supported by a continuous column and shall not be supported by the deck below. (Ord. 19034 §48; January 7, 2008).

20.08.367 Table 2308.8(1) Deleted; Floor Joist Spans for Residential Sleeping Areas.

Table 2308.8(1) of the International Building Code is hereby deleted. (Ord. 19034 §49; January 7, 2008).

20.08.370 Section 2410 Added; Window Cleaning Anchorage Systems.

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

SECTION 2410 -- WINDOW CLEANING/EXTERIOR MAINTENANCE ANCHORAGE SYSTEMS.

All buildings where window cleaning or exterior maintenance is performed employing suspended equipment shall be equipped with roof anchorage or other approved devices that will provide for safe use of the equipment in conformance with the provisions of ANSI IWCA I-14.1. Grading and landscaping shall be considered in determining the probability of suspended equipment being necessary. (Ord. 19034 §50; January 7, 2008: prior Ord. 17997 §37; May 13, 2002).

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

Chapters 27, 28, and 29 of the International Building Code and all sections thereof are hereby deleted. These sections are covered by Lincoln Municipal Code Titles 23, 24, and 25. (Ord. 19034 §51; January 7, 2008: prior Ord. 17997 §38; May 13, 2002).

20.08.385 Section 3202.3.3. Deleted; Encroachments 15 Feet or More Above Grade.

Section 3202.3.3 of the International Building Code is hereby deleted. (Ord. 19034 §52; January 7, 2008).

20.08.390 Section 3202.5 Added; Ornamental Facing.

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

3202.5 Ornamental facing. Ornamental facing may be attached to an existing building provided such building has been in existence for more than ten years. Such ornamental facing may extend not more than 8 inches (203 mm) beyond the lot line on any city street, sidewalk, or other public ground where such building is so located that it cannot be refaced without such occupancy of public property; provided such occupancy is not prohibited by state or federal regulations; and provided further such ornamental facing shall not be less than 9 feet (2743 mm) in the clear above the sidewalk, street level, or finish grade immediately below. Ornamental facing may be added to existing buildings provided it not extend more than 2 inches (52mm) beyond the lot line on the public ground to the finish grade. (Ord. 17997 §39; May 13, 2002).

20.08.410 Section 3303 Amended; Demolition of Buildings.

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

SECTION 3303 -- DEMOLITION OF BUILDINGS

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

3303.2 Definition. For the purpose of this section, the word "demolish" is defined as follows: Demolish shall mean and include the razing, tearing down, or removal of all or part of a building; the removal of the outer facing of a building but leaving a skeleton or structural frame; or the removal of an upper story or stories of a building. Demolish shall also include "deconstruction" which is the whole or partial disassembly of structures for the purposes of reusing salvaged building materials.

3303.3 Demolition permit.

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

3303.3.1 Application for permit. To obtain a demolition permit the applicant shall first file an application therefor in writing on a form furnished by the building official. Such application shall set forth a statement of the facts necessary to fully describe the building, its use, its legal description, and address. Provisions shall be made by the applicant for the proper abandonment of all utilities as required by this code before a demolition permit may be issued. Applications for demolition permits shall expire 180 days after the application date.

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

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

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

required herein shall be subject to review and approval by the City Attorney for conformance with the provisions of this section.

2. At all times keep on file with the building official a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska and approved by the City Attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the city as an additional insured for the coverage required by subsection 1 of this section, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring thirty days notice by mail to the building official before the insurer may cancel the policy for any reason, and upon request of the building official or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination, reduction, or lapse of such insurance shall automatically terminate the privilege of the demolition contractor to be issued permits under the provisions of this code, unless other insurance meeting the requirements of this section is provided and in full force and effect at the time of such termination or cancellation.

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

3303.6 Permit fees. A fee for each demolition permit shall be paid to the building official as set forth in Table 1B in Section 20.08.090 of the Lincoln Municipal Code.

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

The applicant shall apply and pay for any street use permit, any permit for parking meters which shall be out of use during the demolition. Fee refunds shall be in accordance with Section 109.6.

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

3303.8 Completion of demolition work. All demolition work, including the removal of the foundation, must start within 30 days and must be completed within 60 days from the date of the demolition permit issuance. Upon completion of the demolition work, the applicant shall clean the premises of all debris, request an inspection of the premises and then fill all excavations and grade the area with top soil or other material approved by the building official.

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

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

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

3303.11 Expiration. All demolition permits shall expire after 60 days from issuance. The building official may allow an extension of 30 days due to extenuating circumstances. Demolition must be completed in accordance with 3303.8. (Ord. 19559 §28; June 20, 2011: prior Ord. 19034 §54; January 7, 2008: Ord. 17997 §41; May 13, 2002).

20.08.420 Section 3306.2 Amended; Walkways.

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

3306.2 Walkways. Protection shall be provided for pedestrians on all sides of a building being constructed or demolished that borders on a public street or alley by providing a covered walkway 4 feet (1219 mm) in clear width and 7 feet (2134 mm) in clear height, or as required by Lincoln Municipal Code Chapter 14.29. Such walkway shall be covered on top with 2-inch (51 mm) (nominal) planking as a minimum, and the sides next to the building shall be covered with plywood or other materials approved by the building official. The side of the walkway next to the street shall have a splash guard at least 2 feet (610 mm) in height to protect the pedestrian from splashing caused by passing automobiles. The building official may also require a raised subfloor in the walkway. The space within the walkway and the approaches thereto shall be kept well lighted with artificial lighting continuously between sunset and sunrise. Walkways shall be designed to be accessible in accordance with Nebraska Accessibility Guidelines. (Ord. 17997 §42; May 13, 2002).

20.08.430 Section 3306.4 Amended; Construction Fences.

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

3306.4 Construction fences. Construction fences shall be at least 4 feet (1219 mm) in height and shall be securely anchored at each end and every 15 feet (4572 mm) of length. The largest opening in the fence shall be such that a 6-inch (152 mm) sphere may not pass through it. The fence shall be erected a distance from the building equal to the height of the building or as otherwise approved by the building official. For the purposes of this section, construction fences shall also mean construction railings. (Ord. 19034 §55; January 7, 2008: prior Ord. 17997 §43; May 13, 2002).

20.08.450 Section 3306.7 Deleted; Covered Walkways.

Section 3306.7 of the International Building Code is hereby deleted. (Ord. 17997 §45; May 13, 2002).

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

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

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

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

3308.1.2 Storage on public property. Material and equipment necessary for work to be done under a permit shall not be placed or stored on public property except as authorized by Lincoln Municipal Code, Chapter 14.29. (Ord. 17997 §46; May 13, 2002).

20.08.470 Appendix C Adopted; Group U - Agricultural Buildings.

Appendix C of the International Building Code is hereby adopted. (Ord. 17997 §47; May 13, 2002).

20.08.475 Section C105 Added; Snow Load.

Section C105 is added to Appendix C to read as follows:

C105 Roof snow load. Agricultural buildings located in the AG zoning district as regulated by the Lancaster County Zoning Regulations shall be designed for a minimum of 20# roof snow load. (Ord. 19034 §57; January 7, 2008).