

**ORDINANCE NO 2023.5.1**

1 AN ORDINANCE AMENDING CHAPTER 150.070 OF THE CODE OF BENNET TO  
2 ADOPT THE INTERNATIONAL BUILDING CODE, 2018 EDITION; TO ADOPT VARIOUS  
3 AMENDMENTS, EXCEPTIONS, ADDITIONS, AND DELETIONS THERETO AS  
4 PERMITTED BY STATE LAW TO REDUCE UNNECESSARY COSTS OF  
5 CONSTRUCTION, INCREASE SAFETY, DURABILITY, OR EFFICIENCY, ESTABLISH  
6 BEST BUILDING OR CONSTRUCTION PRACTICES WITHIN THE CITY OF BENNET,  
7 AND TO ADDRESS SPECIAL LOCAL CONDITIONS WITHIN THE CITY OF BENNET;  
8 AMENDING SECTION 150.070 OF THE CODE OF BENNET  
9

10  
11 **FINDINGS**  
12

13 The Mayor and City Council of the City of Bennet, Nebraska finds and determines that:

14 **I.**

15 Pursuant to State Law, it is necessary and appropriate to adopt the International Building  
16 Code, 2018 Edition with various amendments, exceptions, additions and deletions.

17 **II.**

18 Certain amendments, modifications, and deletions from said Code are necessary in order  
19 to reduce unnecessary costs of construction, increase safety, durability, or efficiency, establish best  
20 building or construction practices within the City, and address special local conditions within the  
21 City.

22 NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF  
23 THE CITY OF BENNET, NEBRASKA:

24  
25 Section 1. That Section 150.070 of the Code of Bennet be amended to read as follows:

26 § **150.070 INTERNATIONAL BUILDING CODE; ADOPTED BY**  
27 **REFERENCE**

28 The International Building Code, 2018 Edition, as published by the  
29 International Code Council, Inc. and amended as necessary by the city, (hereinafter  
30 referred to in this Chapter 150.070 as the “International Building Code”), a copy of  
31 which is on file in the office of the City Clerk/Treasurer, be and the same is hereby  
32 adopted as the Building Code for the City of Bennet and for the area within its  
33 extraterritorial zoning jurisdiction for regulating and governing the construction,  
34 alteration, enlargement, replacement, and repair of buildings and structures, by  
35 providing the standards for supplied utilities and facilities and other physical things  
36 and conditions essential to ensure that structures are safe, sanitary, and fit for  
37 occupation and use; and the demolition of structures as herein provided; providing  
38 for the issuance of permits and collection of fees therefor; with the additions,  
39 insertions, deletions and changes as hereinafter provided in this Chapter; provided  
40 however, detached one or two family dwellings and townhouses not more than three  
41 stories above grade plane and height with a separate means of egress, and their  
42 accessory structures not more than three stories above grade plane and height shall  
43 comply with this Code or the International Residential Code as adopted by the City  
44 of Bennet.  
45

46 **Section 2. INTERNATIONAL BUILDING CODE; SECTION 101.3; AMENDED.**

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

48 **101.3 Intent.** The purpose of this code is to establish the minimum requirements  
49 to safeguard the public health, safety, and general welfare through structural strength,  
50 means of egress facilities, stability, sanitation, adequate light and ventilation, and safety to  
51 life and property from fire, explosion and other hazards ~~attributable to the built~~  
52 ~~environment.~~  
53

54 **Section 3. INTERNATIONAL BUILDING CODE; SECTION 101.4; AMENDED.**

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

57 **101.4 Referenced codes.** The other codes listed in Sections 101.4.1  
58 through 101.4.44 and referenced elsewhere in this code shall be considered part of  
59 the requirements of this code to the prescribed extent of each such reference.

60 **101.4.1 Gas.** The provisions of the International Fuel Gas Code  
61 (2018 Edition) shall apply to the installation of gas piping from the point of  
62 delivery, gas appliances and the installation and operation of residential and  
63 commercial gas appliances and related accessories as covered in this code.  
64 These requirements apply to gas piping systems extending from the point  
65 of delivery to the inlet connections of appliances and the installation and

66 operation of residential and commercial gas appliances and related  
67 accessories.

68 **101.4.2 Mechanical.** The provisions of the International  
69 Mechanical Code 2018 Edition shall apply to the installation, alterations,  
70 repairs and replacement of mechanical systems, including equipment,  
71 appliances, fixtures, fittings and/or appurtenances, including ventilating,  
72 heating, cooling, air-conditioning and refrigeration systems, incinerators  
73 and other energy-related systems.

74 **101.4.3 Plumbing.** The provisions of the Uniform Plumbing Code,  
75 2018 Edition, as adopted and amended by the City of Bennet, shall apply to  
76 the erection, installation, alteration, repair, relocation, replacement and  
77 addition to, use, or maintenance of plumbing systems, including equipment,  
78 appliances, fixtures, fittings and appurtenances, and where connected to a  
79 water or sewage system and all aspects of a medical gas system within this  
80 jurisdiction.

81 **101.4.4** The provisions of the International Existing Building Code  
82 as adopted by the City of Bennet shall apply to matters governing the repair,  
83 alteration, change of occupancy, addition to and relocation of existing  
84 buildings.  
85

86 Section 5. INTERNATIONAL BUILDING CODE; SECTIONS 110.3.3 and 110.3.8;

87 **DELETED.**

88 Sections 110.3.3 and 110.3.8 of the International Building Code (Lowest Floor  
89 Elevation) and (Energy Efficient Inspections) are hereby deleted.  
90

91 Section 6. INTERNATIONAL BUILDING CODE; SECTION 110.3.12; ADDED.

92 **110.3.12 Reinspections.** A reinspection fee may be assessed for each  
93 inspection or reinspection when such portion of work for which inspection is called  
94 is not complete or when corrections called for are not made. Reinspection fees may  
95 be assessed when the inspection record card is not posted or otherwise available on  
96 the work site, the approved plans are not readily available to the inspector, for  
97 failure to provide access on the date for which inspection is requested, or for  
98 deviating from plans requiring the approval of the building official.  
99

100 Section 7. INTERNATIONAL BUILDING CODE; SECTION 111.5; ADDED.

101                   **111.5 Change in use.** Changes in the character or use of a building shall  
102 not be made except as specified in Section 111.1 of this code and in accordance  
103 with the International Existing Building Code, 2018 Edition.  
104

105                   Section 8. INTERNATIONAL BUILDING CODE; SECTION 305.2; AMENDED.

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

108                   **305.2 Group E, Day care, facilities.** ~~The use of a building or structure,~~  
109 ~~or portion thereof, for educational, supervision, or personal care services for more~~  
110 ~~than twelve children older than 2½ years of age, shall be classified as a Group E~~  
111 ~~occupancy. This group includes buildings and structures or portions thereof~~  
112 ~~occupied by more than twelve children older than 2½ years of age who receive~~  
113 ~~educational, supervision, or personal care services for fewer than 24 hours per day.~~  
114

115                   Section 9. INTERNATIONAL BUILDING CODE; SECTION 310.4; AMENDED.

116                   Section 310.4 of the International Building Code is amended to read as  
117 follows:

118                   **310.4 Residential Group R-3.** ~~The R-3 Residential Occupancies of~~  
119 ~~Section 310.1 of the International Building Code are amended to read as follows:~~

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

122                   Buildings that do not contain more than two dwelling units.

123                   ~~Adult eCare~~ facilities that provide accommodations for twelve or fewer  
124 persons receiving care of any age for less than 24 hours.

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

127                   Congregate living facilities with 16 or fewer persons occupants.

128                   ~~Adult care and child care~~ facilities that are within a single family home are  
129 permitted to comply with the International Residential Code.

130                   ~~Except as amended above, all other provisions of Section 310.1 as set forth~~  
131 ~~in the International Building Code are adopted as written.~~

132                   Boarding Houses (non-transient):

133                   Covenants, dormitories, paternities and sororities, monasteries

134 Congregate Living Facilities (transient) with ten or fewer occupants:  
135 Boarding Houses (transient), Lodging Houses (transient) with five or fewer guest  
136 rooms and ten or fewer occupants.

137 Section 10. INTERNATIONAL BUILDING CODE; SECTION 406..2.1;  
138 **AMENDED; 406.3.2.2 DELETED.**

139 Section 406.2.1 of the International Building Code is amended to read as  
140 follows:

141 **406. 3.2.1 Dwelling Unit Separation.** Separations shall comply with the  
142 following:

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

152 ~~2. A separation is not required between a Group R-3 and U carport,~~  
153 ~~provided the carport is entirely open on two or more sides and there are not enclosed~~  
154 ~~areas above.~~

155 Section 406.3.2.2 (Ducts) of the International Building code is deleted.  
156

157 Section 11. INTERNATIONAL BUILDING CODE; SECTION 423.5; ADDED.

158 Section 423.5 is added to the International Building Code to read as follows:

159 **423.5 Construction of storm shelters.** Buildings, structures, and parts  
160 thereof intended for use as a storm shelter shall be designed and constructed in  
161 accordance with the recommendations of the Federal Emergency Management  
162 Agency and design standard FEMA 361.  
163

164 Section 12. INTERNATIONAL BUILDING CODE; SECTION 501.2; AMENDED.

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

167                   **501.2 Premises identification.** Buildings shall have approved address  
168 numbers, building numbers or approved building identification in accordance with  
169 § 92.20 of the Code of Bennet. Address numbers shall be a minimum of 4 inches  
170 in height, except address numbers located on a building set back any distance from  
171 the property line shall be a minimum of 8 inches in height.  
172

173                   Section 13. INTERNATIONAL BUILDING CODE; SECTION 503.1.5; ADDED.

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

176                   **503.1.5 Location on property.** Buildings shall adjoin or have access to a  
177 public way or yard on not less than one side. Required yards shall be permanently  
178 maintained. For the purpose of this section, the centerline of an adjoining public  
179 way shall be considered an adjacent property line. ~~Active primary railroad lines~~  
180 ~~where rail cars cannot be parked for extended periods of time may also be~~  
181 ~~considered as a public way.~~  
182

183                   Section 14. INTERNATIONAL BUILDING CODE; SECTION 503.1.6; ADDED.

184                   Section 503.1.6 is added to the International Building Code to read as  
185 follows:

186                   **503.1.6 Primary railroad lines.** For the purpose of this section, active  
187 primary railroad lines where rail cars cannot be parked for extended periods of time  
188 may also be considered as a public way.  
189

190                   Section 15. INTERNATIONAL BUILDING CODE; SECTIONS 718.2 AND 718.2.1;  
191 **AMENDED.**

192                   Sections 718.2 and 718.2.1 of the International Building Code are amended  
193 to read as follows:

194                   **718.2 Fireblocking required.** Fireblocking shall be provided to cut off all  
195 concealed draft openings (both vertical and horizontal) and to form an effective fire  
196 barrier between stories, and between a top story and the roof space. Fireblocking  
197 shall be provided in wood-frame construction in the following locations:

- 198                   1.       In concealed spaces of stud walls and partitions, including furred  
199 spaces, at the ceiling and floor level and at 10 foot (3048 mm) intervals both vertical  
200 and horizontal. Batts or blankets of mineral or glass fiber or other approved non-

201 rigid materials shall be allowed as fireblocking in walls constructed using parallel  
202 rows of studs or staggered studs.

203 2. Fireblocking of cornices of a two-family dwelling is required at the  
204 line of dwelling unit separation.

205 **718.2.1 Materials.** Fireblocking shall consist of 2-inch (51 mm) nominal  
206 lumber; or two thicknesses of 1-inch (25.4 mm) nominal lumber with broken lap  
207 joints; or one thickness of  $2\frac{3}{32}$ -inch (19.8 mm) wood structural panels with joints  
208 backed by  $2\frac{3}{32}$ -inch (19.8 mm) wood structural panels; or one thickness of  $\frac{3}{4}$ -inch  
209 (19.1 mm) particleboard with joints backed by  $\frac{3}{4}$ -inch (19.1 mm) particleboard;  
210  $\frac{1}{2}$ -inch (12.7 mm) gypsum board; or  $\frac{1}{4}$ -inch (6.4 mm) cement-based millboard.  
211 Loose-fill insulation material shall not be used as a fireblock unless specifically  
212 tested in the form and manner intended for use to demonstrate its ability to remain  
213 in place and to retard the spread of fire and hot gases. The integrity of all fireblocks  
214 shall be maintained.  
215

216 Section 16. **INTERNATIONAL BUILDING CODE; SECTION 708.4.2;**

217 **EXCEPTION 4; AMENDED.**

218 Exception 4 to Section 708.4.2 of the International Building Code is  
219 amended to read as follows:

220 4. In occupancies in Groups R-1 and R-2 that do not exceed four stories  
221 in height, the attic space shall be subdivided by draftstops into areas not  
222 exceeding 3,000 square feet (279 m<sup>2</sup>).  
223

224 Section 17. **INTERNATIONAL BUILDING CODE; SECTION 1004.5; AMENDED.**

225 Section 1004.5 of the International Building Code is amended to read as  
226 follows:

227 **1004.5 Areas without fixed seating.** The number of occupants shall be  
228 computed at the rate of one occupant per unit of area as prescribed in Table 1004.5.  
229 For areas without fixed seating, the occupant load shall not be less than that number  
230 determined by dividing the floor area under consideration by the occupant per unit  
231 of area factor assigned to the occupancy as set forth in Table 1004.5. Where an  
232 intended use is not listed in Table 1004.5, the building official shall establish a use  
233 based on a listed use that most nearly resembles the intended use.

234 **(Exception deleted)**

235 **1004.5.1 Increased occupant load.** The *occupant load* permitted  
236 in any building, or portion thereof, is permitted to be increased from that

237 number established for the occupancies in Table 1004.5, provided that all  
238 other requirements of the code are met based on such modified number and  
239 the *occupant load* does not exceed one occupant per 7 square feet (0.65 m<sup>2</sup>)  
240 of occupiable floor space. Where required by the *building official*, an  
241 *approved aisle*, seating or fixed equipment diagram substantiating any  
242 increase in *occupant load* shall be submitted. Where required by the  
243 *building official*, such diagram shall be posted.  
244

245 Section 18. **INTERNATIONAL BUILDING CODE; SECTION 1011.2;**

246 **EXCEPTION 4; ADDED.**

247 Section 1011.2 of the International Building Code is amended by adding an  
248 Exception 4 to read as follows:

249 4. Private stairways serving less than 10 occupants within an  
250 individual apartment unit (R-2) may be 34 inches in width.  
251

252 Section 19. **INTERNATIONAL BUILDING CODE; SECTION 1011.5.2;**

253 **EXCEPTION 3; AMENDED.**

254 Exception 3 to Section 1011.5.2 of the International Building Code is  
255 amended to read as follows:

256 3. In Group R-3 occupancies; within dwelling units in Group R-2  
257 occupancies; and in Group U occupancies that are accessory to a Group  
258 R-3 occupancy or accessory to individual dwellings units in Group R-  
259 2 occupancies; the maximum riser height shall be 7.75 inches (197  
260 mm); the minimum tread depth shall be 10 inches (254 mm) including  
261 nosing; the minimum winder tread depth at the walkline shall be 10  
262 inches (254 mm) including nosing; and the minimum winder tread  
263 depth shall be 7 inches.  
264

265 Section 20. **INTERNATIONAL BUILDING CODE; SECTION 1011.5.2;**

266 **EXCEPTION 6; ADDED.**

267 Section 1011.5.2 of the International Building Code is amended by adding  
268 an Exception 6 to read as follows:



269 6. Private steps and stairways serving ancillary areas such as mechanical  
270 rooms and stairways to unoccupied roofs may be constructed with an  
271 8-inch maximum rise and 9-inch minimum tread depth.  
272

273 Section 21. **INTERNATIONAL BUILDING CODE; SECTION 1015.3; AMENDED.**

274 Section 1015.3 of the International Building Code is amended to read as  
275 follows:

276 **1015.3 Height.** Guards shall form a protective barrier not less than 42  
277 inches (1067 mm) high, measured vertically above the leading edge of the tread,  
278 adjacent walking surface, or adjacent seatboard.

279 **Exceptions:**

- 280 1. Guards shall form a protective barrier not less than 36 inches (1067 mm) high,  
281 for occupancies in Group R-3, and within individual dwelling units in  
282 occupancies in Group R-2. (Excluding exterior balcony railings)
- 283 2. For occupancies in Group R-3, and within individual dwelling units in  
284 occupancies in Group R-2, guards whose top rail also serves as a handrail shall  
285 have a height not less than 34 inches (864 mm) and not more than 38 inches  
286 (965 mm) measured vertically from the leading edge of the stair tread nosing.
- 287 3. The guard height in assembly seating areas shall be in accordance with Section  
288 1029.17.  
289

290 Section 22. **INTERNATIONAL BUILDING CODE; SECTION 1016.2.1;**

291 **AMENDED.**

292 Section 1016.2.1 of the International Building Code is amended to read as  
293 follows:

294 **1016.2.1 Multiple tenants.** Where more than one tenant occupies  
295 any one floor of a building or structure, each tenant space, dwelling unit and  
296 sleeping unit shall be provided with access to the required exits without  
297 passing through adjacent tenant spaces, dwelling units and sleeping units.  
298

299 Section 23. **INTERNATIONAL BUILDING CODE; SECTIONS 1402.6 AND 1402.7;**

300 **DELETED.**

301 Sections 1402.6 and 1402.7 of the International Building Code (Flood Resistance)  
302 are hereby deleted.  
303

304 Section 24. INTERNATIONAL BUILDING CODE; SECTION 1404.5; AMENDED.

305 Section 1404.5 of the International Building Code is amended to read as  
306 follows:

307 **1404.5 Wood veneers.** Wood veneers on exterior walls of buildings of  
308 Types I, II, III and IV construction shall be not less than 1-inch (25 mm) nominal  
309 thickness, 0.438-inch (11.1 mm) exterior hardboard siding or 0.375-inch (9.5 mm)  
310 exterior-type wood structural panels or particleboard and shall conform to the  
311 following:

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

315 2. The veneer is attached to or furred from a noncombustible backing  
316 that is fire-resistance rated as required by other provisions of this code.

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

319 4. Any deteriorated or rotting veneer shall be removed prior to  
320 installing new veneer. An approved weather barrier shall be installed over the  
321 existing wood exterior veneer prior to overlaying with a new veneer product.  
322

323 Section 25. INTERNATIONAL BUILDING CODE; SECTION 1510.10; ADDED.

324 Section 1510.10 is added to the International Building Code to read as  
325 follows:

326 **1510.10 Outdoor deck framing for roof top seating and assembly areas.**  
327 Combustible wood framing may be permitted on roof tops of buildings provided  
328 that the roof is not located more than 75 feet above the lowest level of fire  
329 department vehicle access. In addition to this limitation, the combustible framing  
330 may not exceed 4 feet in height above the floor or deck level used as a walking  
331 surface. Similar structures that exceed 48 inches in height shall be of a type of  
332 construction not less in fire-resistance rating than required for the building to which  
333 it is attached. Occupied roofs shall be provided with exits as required for stories,  
334 regardless of whether roof top construction is enclosed or open to the sky. Any  
335 such structure that is covered shall be provided with all fire protection systems  
336 required for the building to which it is attached. All such structures intended for  
337 human occupancy shall have minimum 42 inch high guard rails regardless of their

338 height above the plane of the roof. Floor deck area shall be limited to one-third  
339 total roof area.  
340

341 Section 26. **INTERNATIONAL BUILDING CODE; SECTION 1804.5; DELETED.**

342 Section 1804.5 to the International Building Code (Grading and Fill in  
343 Flood Hazard Areas) is deleted in its entirety.  
344

345 Section 27. **INTERNATIONAL BUILDING CODE; SECTION 2304.12.2.3.1;**

346 **ADDED.**

347 Section 2304.12.2.3.1 to the International Building Code is added to read as  
348 follows:

349 **2304.12.2.3.1 Deck supporting structure.** Decks shall be  
350 supported by a continuous column and shall not be supported by the deck  
351 below.  
352

353 Section 28. **INTERNATIONAL BUILDING CODE; TABLE 2308.4.2.1(1);**

354 **DELETED.**

355 Table **2308.4.2.1(1)** to the International Building Code (Floor Joist Spans  
356 for Common Lumber Species (Residential Sleeping Areas)) is deleted in its  
357 entirety.  
358

359 Section 29. **INTERNATIONAL BUILDING CODE; SECTION 3109; DELETED.**

360 Section 3109 to the International Building Code (Swimming Pools, Spas,  
361 and Hot Tubs) is deleted in its entirety.  
362

363 Section 30. That this ordinance shall take effect and be in full force from and after its  
364 passage, approval, and publication or posting as required by law.

365

366

PASSED AND APPROVED on this 8th day of May, 2023.

ATTEST:



City Clerk



Mayor, City of Bennet

