

ORDINANCE NO 2023-5.5

1 AN ORDINANCE AMENDING CHAPTER 150.076 OF THE CODE OF BENNET TO
2 ADOPT THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION; TO ADOPT
3 VARIOUS AMENDMENTS, EXCEPTIONS, ADDITIONS, AND DELETIONS THERETO AS
4 PERMITTED BY STATE LAW TO REDUCE UNNECESSARY COSTS OF
5 CONSTRUCTION, INCREASE SAFETY, DURABILITY, OR EFFICIENCY, AND TO
6 ADDRESS SPECIAL LOCAL CONDITIONS WITHIN THE JURISDICTION OF THE CITY
7 OF BENNET; AMENDING SECTION 150.076 OF THE CODE OF BENNET
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10 **FINDINGS**
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12 The Mayor and City Council of the City of Bennet, Nebraska finds and determines that:

13 **I.**

14 Pursuant to State Law, it is necessary and appropriate to adopt the International Existing
15 Building Code, 2018 Edition with various amendments, exceptions, additions and deletions.
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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:
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25
26 Section 1. That Section 150.076 of the Code of Bennet be amended to read as follows:

1 **§ 150.076 INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION;**
2 **ADOPTION BY REFERENCE;**

3 The International Existing Building Code, 2018 Edition, as published by the International
4 Code Council, Inc. (hereinafter referred to as the “International Existing Building Code”), and
5 amended as necessary by the city, a copy of which is on file in the office of the City
6 Clerk/Treasurer, is hereby adopted as the Existing Building Code for the City of Bennet and for
7 the area within its extraterritorial zoning jurisdiction, for the purpose of regulating the repair,
8 alteration, change of occupancy, addition and relocation of existing buildings, regardless of
9 occupancy; providing for the issuance of permits and collection of fees therefore; with additions,
10 insertions, deletions and changes as hereinafter provided in this Chapter.

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12 **Section 2. INTERNATIONAL EXISTING BUILDING CODE; SECTION 101.1;**
13 **AMENDED; TITLE.**

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

15 **101.1 Title.** These regulations shall be known as the “Bennet Existing Building Code”
16 and shall be cited as such and will be referred to herein as the “International Existing Building
17 Code” or “this Code.”
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20 **Section 3. INTERNATIONAL EXISTING BUILDING CODE; SECTION 103; DELETED.**

21 Section 103 of the International Existing Building Code Department of Building Safety is
22 deleted in its entirety.
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24 **Section 4. INTERNATIONAL EXISTING BUILDING CODE; SECTION 104.10.1**
25 **AMENDED; FLOOD HAZARD AREAS.**

26 Section 104.10.1 of the International Existing Building Code is amended to read as follows:
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28 For existing buildings located in Flood Hazard Areas for which repairs, alterations and
29 additions constitute substantial improvement, shall be governed by Section 154 of the Bennet Code
30 of Ordinances
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32 **Section 5. INTERNATIONAL EXISTING BUILDING CODE; SECTION 105.1**
33 **AMENDED; PERMITS REQUIRED; ANNUAL PERMIT DELETED.**

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

2 **105.1 Required.** Any owner or owners' authorized agent who intends to repair, add to,
3 alter, relocate, demolish, or change the occupancy of a building, or to cause any such work to be
4 performed, shall first make application to the Building Official and obtain the required permit.

5 Sections 105.1 and 105.2 deleted.

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7 Section 6. **INTERNATIONAL EXISTING BUILDING CODE; SECTION 105.2**
8 **ADDITIONAL EXEMPTION.**

9
10 In addition to those exemptions listed in Section 105.2 of the International Existing
11 Building Code, shingling and re-siding shall be included in the list of work for which permits shall
12 not be required.

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14 Section 7. **SECTION 108; FEES; AMENDED.**

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16 Section 108 of the International Existing Building Code is amended to read as follows:

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18 **108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have
19 been paid, nor shall an amendment to a permit be released until the additional fee, if any, has
20 been paid.

21 **108.2 Schedule of permit fees.** The City Board shall adopt, by resolution, a schedule of
22 permit fees for each permit, for plan review, and for inspections to be issued or conducted under
23 this code.

24 **108.3 Plan review fees.** When a plan or other data is required to be submitted by Section
25 107.1, a plan review fee shall be paid at the rate stated in the adopted schedule of fees. For one
26 additional plan review of corrections made on the original plans after the initial plan review shall
27 be performed at no cost to the applicant; however, where plans require further corrections, are
28 incomplete, or are changed necessitating additional plan review, an additional plan review fee shall
29 be charged at the rate stated in the adopted schedule of fees.

30 **108.4 Work Commencing Before Permit Issuance.** Any person who commences any
31 work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the
32 necessary permits shall be subject to a fee equal to twice the otherwise established fee for issuance
33 of the required permit.

34 **108.5 Related fees.** The payment of the fee for the construction, alteration, removal, or
35 demolition for work done in connection to or concurrently with the work authorized by a building
36 permit shall not relieve the applicant or holder of the permit from the payment of other fees that
37 are prescribed by law.

38 **108.6 Refunds.** There shall be no refunds or credits given on permits or applications
39 regulated by this Chapter that have expired. A request for refund may be made to the City Council
40 only when the permit holder returns an unused permit prior to the expiration date of the permit. A

1 refund of a plan review fee may be requested only when an application for a permit for which such
2 fee has been paid is withdrawn or cancelled before any plan review is performed.

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4 **Section 8. INTERNATIONAL EXISTING BUILDING CODE, SECTION 109.3.3**
5 **DELETED.**

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7 Section 109.3.3 of the International Existing Building Code (lowest floor elevation) is
8 deleted.

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10 **Section 9. INTERNATIONAL EXISTING BUILDING CODE, SECTION 109.3.11 ADDED.**

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

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14 109.3.11 Reinspections. A reinspection fee may be assessed for each inspection or
15 reinspection when such portion of work for which inspection is called is not complete or when
16 corrections call for are not made. Reinspection fees may be assessed when the inspection card is
17 not posted or otherwise available on the work site, the approved plans are readily available to the
18 inspector, for failure to provide access on the date for which inspection is requested or for deviating
19 from plans requiring the approval of the Building Official.

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21 **Section 10. INTERNATIONAL EXISTING BUILDING CODE, SECTION 109.7 ADDED;**
22 **ADDRESS IDENTIFICATION.**

23
24 Section 109.10 is added to the International Existing Building Code to read as follows:

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26 All additions, alterations or repairs for which a permit is required by this Code shall be
27 provided with a construction address identification sign. Said identification sign shall be a sign of
28 metal, wood, plastic, or other approved ridged material with permanent identification number and
29 letters thereon indicating the legally assigned street or other type address assigned by the Building
30 Official. Said identification sign shall have numbers and letters of such size and shall be so placed
31 upon the construction site that said sign is readily visible and identifiable from the public street.
32 Said identification sign shall be properly maintained during the entire period of time that the
33 construction or work is being accomplished or maintained.

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35 **Section 11. INTERNATIONAL EXISTING BUILDING CODE; SECTION 110.2**
36 **AMENDED.**

37
38 Section 110.2 of the International Existing Building Code is amended to read as follows:

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40 **110.2 Certificate Issued.** After the Building Official inspects the building or structure
41 and finds no violations of the provisions of this Code or other laws that are enforced by the
42 Building Official, the Building Official shall issue a Certificate of Occupancy.

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44 **Section 12. INTERNATIONAL EXISTING BUILDING CODE; SECTION 111 DELETED.**

1 Section 111 of the International Existing Building Code (Service Utilities) is deleted in its
2 entirety.

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4 **Section 13. INTERNATIONAL EXISTING BUILDING CODE; SECTION 112 DELETED.**

5
6 Section 112 of the International Existing Building Code (Board of Appeals) is deleted in
7 its entirety.

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10 **Section 14. INTERNATIONAL EXISTING BUILDING CODE; SECTION 305;**
11 **DELETED.**

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13 Section 305 of the International Existing Building Code (Accessibility for Existing
14 Buildings) is deleted in its entirety; accessibility for existing buildings shall be governed by state
15 law.

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18 **Section 15. Section 401.3 Deleted; Flood Hazard Areas**

19
20 Section 401.3 of the International Existing Building Code is hereby deleted. Flood Hazards
21 are governed by Section 154 of the Bennet Code of Ordinances.

22
23 **Section 16. Section 405.2.5 Deleted; Flood Hazard Areas**

24
25 Section 405.2.5 of the International Existing Building Code is hereby deleted. Flood
26 Hazards are governed by 154 of the Bennet Code of Ordinances.

27
28 **Section 17. Section 406, 407, and 408 Deleted; Electrical, Mechanical, Plumbing Systems**

29
30 Sections 406, 407, and 408 of the International Existing Building Code and all sections
31 thereof are hereby deleted. Electrical, Mechanical, Plumbing requirements are governed by the
32 State Electrical Code, the Bennet Mechanical Code, and the Bennet Plumbing Code.

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35 **Section 18. Section 502.3 Deleted; Flood Hazard Areas**

36
37 Section 502.3 of the International Existing Building Code is hereby deleted. Flood Hazards
38 are governed by Section 154 of the Bennet Code of Ordinances.

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40 **Section 19. Section 503.2 Deleted; Flood Hazard Areas**

41
42 Section 503.2 of the International Existing Building Code is hereby deleted. Flood Hazards
43 are governed by Section 154 of the Bennet Code of Ordinances.

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Section 20. Section 504.2 Amended; Location

Section 504.2 of the International Existing Building Code is amended to read as follows:

504.2 Location. Where located on the front of the building and where projecting beyond the building line, the lowest landing shall be not less than 7 feet (2134 mm) or more than 12 feet (3658 mm) above grade, and shall be equipped with counterbalanced stairway to the street. In alleyways and thoroughfares less than 30 feet (9144 mm) wide, the clearance under the lowest landing shall be not less than 12 feet (3658 mm).

Section 21. Section 507.3 Deleted; Flood Hazard Areas

Section 507.3 of the International Existing Building Code is hereby deleted. Flood Hazards are governed by 154 of the Bennet Code of Ordinances.

Section 22. Section 701.3 Deleted; Flood Hazard Areas

Section 701.3 of the International Existing Building Code is hereby deleted. Flood Hazards are governed by Section 154 of the Bennet Code of Ordinances.

Section 23. Section 705.1 Exception 2 Amended; General

Exception 2 to Section 705.1 of the International Existing Building Code is amended to read as follows:

2. Recovering or replacing an existing roof covering shall not be required to meet the requirement for secondary (emergency overflow) drains or scuppers in Section 1502 of the International Building Code for roofs that provide for positive roof drainage and have parapets four inches or less above the roof edge or a structural engineer determines the existing structure can handle ponding loading. For the purposes of this exception, existing secondary drainage or scupper systems required in accordance with this code shall not be removed unless they are replaced by secondary drains or scuppers designed and installed in accordance with Section 1502 of the International Building Code.

Section 24. Section 801.3 Exception 2 Amended; Compliance

Exception 2 to Section 801.3 of the International Existing Building Code is amended to read as follows:

2. Newly installed electrical equipment shall comply with the provisions of the State Electrical Code.

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Section 25 Sections 807, 808, and 809 Deleted; Electrical, Mechanical, Plumbing

Sections 807, 808 and 809 of the International Existing Building Code and all sections thereof are hereby deleted. Electrical, Mechanical, Plumbing requirements are governed by the State Electrical Code, the Bennet Mechanical Code, and the Bennet Plumbing Code.

Section 26. Sections 1007, 1008, and 1009 Deleted; Electrical, Mechanical, Plumbing

Sections 1007, 1008, and 1009 of the International Existing Building Code and all sections thereof are hereby deleted. Electrical, Mechanical, Plumbing requirements are governed by the State Electrical Code, the Bennet Mechanical Code, and the Bennet Plumbing Code.

Section 27. Section 1103.3 Deleted; Flood Hazard Areas

Section 1003.3 of the International Existing Building Code is hereby deleted. Flood Hazards are governed by Section 154 of the Bennet Code of Ordinances.

Section 28. Section 1106.1 Amended; Addition to a Group E Occupancy

Section 1106.1 is amended to the International Existing Building Code to read as follows:

1106.1 Addition of a Group E Occupancy. Where an addition is added to an existing Group E occupancy located in an area where the shelter design wind speed for tornados is 250 mph in accordance with Figure 304.2(1) of ICC 500 and the occupant load in the addition is 50 or more, the addition shall have a storm shelter constructed in accordance with ICC 500, except Section 702.2.3 & 702.2.4.

Exceptions:

- 1. Group E day care facilities.
- 2. Group E occupancies accessory to places of religious worship.
- 3. Buildings meeting the requirements for shelter design in ICC 500.

Section 29. Section 1106.1.1 Amended; Required Occupant Capacity

Section 1106.1.1 is amended to the International Existing Building Code to read as follows:

1106.1.1 Required Occupant Capacity. The required occupancy capacity of the storm shelter shall include all buildings on the site, and shall be the greater of the following:

1 1. 90 percent of the total occupant load of the classrooms, vocational rooms and
2 offices in the Group E occupancy.

3 2. The combined occupant loads for areas of the school that are utilized for school
4 activities, including but not limited to, swimming pools, skating rinks, auditoriums, theaters and
5 gymnasiums. This would be calculated per Section 1004 with exceptions to the following;

6 a) Fixed Solitary Seating and Circulation space: Actual count of fixed seats.

7 b) Bleachers and Circulation Space: 1 occupant per 18 inches of bench width.

8 c) Accessible spaces: 26 square feet per accessible space to include area for
9 companion seat adjacent to the accessible space.

10 d) Gymnasiums without bleachers: one occupant per 15 square feet.

11 e) Gymnasiums with bleachers: one occupant per 15 square feet in addition to the
12 occupant load calculation for the bleacher seating, not to exceed 2,800 occupants.

13 **Exceptions:**

14 1. Where an addition is being added on an existing Group E site, and where the
15 addition is not of sufficient size to accommodate the required occupant capacity of the storm
16 shelter for all of the buildings on-site, the storm shelter shall at a minimum accommodate the
17 required capacity for the addition.

18 2. Where approved by the code official, the required occupant capacity of the shelter
19 shall be of any existing storm shelters on the site.

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22 **Section 30. Section 1201.4 Deleted; Flood Hazard Areas**

23
24 Section 1201.4 of the International Existing Building Code is hereby deleted. Flood
25 Hazards are governed by Section 154 of the Bennet Code of Ordinances.

26
27 **Section 31. Section 1301.3.3 Deleted; Flood Hazard Areas**

28
29 Section 1301.3.3 of the International Existing Building Code is hereby deleted. Flood
30 Hazards are governed by Section 154 of the Bennet Code of Ordinances.

31
32 **Section 32. Section 1402.6 Deleted; Flood Hazard Areas**


33
34 Section 1402.6 of the International Existing Building Code is hereby deleted. Flood
35 Hazards are governed by Section 154 of the Bennet Code of Ordinances.

1 Section 33. That this Ordinance shall take effect and be in full force from and after its passage,
2 approval, and publication or posting as required by law.

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

ATTEST:



City Clerk



Mayor, City of Bennet

