

City of Scottsbluff, Nebraska

Tuesday, September 6, 2022

Regular Meeting

Item Resolut.1

Council to consider the second reading of the Ordinance regarding a Text Change in Chapter 4, Article 1 concerning the International Building and Residential Codes.

Staff Contact: Zachary Glaubius, Planning Administrator

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING §4-1-2 DEALING WITH STANDARD CODES AND AMENDING §4-1-10 DEALING WITH THE INTERNATIONAL BUILDING CODE, REMOVING CERTAIN LANGUAGE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Section 4-1-2 is now revised and amended to read as follows:

“§4-1-2 STANDARD CODES; ADOPTED; EXCEPTIONS.

(A) The following Standard Building Codes are adopted for the purposes of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location, and maintenance of buildings and structures, including permits and penalties:

- (1) The International Building Code, 2018 Edition, published by the International Code Council. Reference to “International Building Code” throughout this Ordinance shall mean this Code;
- (2) The International Residential Code 1 & 2 Family Dwellings, 2018 Edition, including Appendix F, published by the International Code Council. Reference to the “International Residential Code” throughout this Ordinance shall mean this Code; and
- (3) The International Energy Conservation Code, 2018 Edition, adopted by the Nebraska Legislature as the “Nebraska Energy Code.

(B) The International Building Code, International Residential Code 1 & 2 Family Dwellings, and the International Energy Conservation Code, 2018 Edition, are described collectively as “the Building Code”. Except for those portions specifically excluded or modified by this or other sections of this Code, The Building Code is adopted in this section by reference and shall be controlling with respect to the construction of all buildings and structures within the corporate limits of the City and within the area with respect to which the City has exercised its zoning jurisdiction under Chapter 25 of this Code. One copy of each code shall be on file in the City Clerk’s office”

Section 2. Section 4-1-10 is now revised and amended to read as follows:

“§4-1-10 INTERNATIONAL BUILDING CODES: PORTIONS EXCLUDED.

Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.6, 101.4.7, 105.1.1, 105.1.2, 105.2, 109, 110, 112, 113, 115, 3103, and Chapters 13, 27, 28, 29 and 30 of the 2018 International Building Code are excluded and not adopted by this Municipal Code.”

Section 3. Prior §4-1-2 and §4-1-10 are now amended and included in the Scottsbluff Municipal Code and all other Ordinances and parts of Ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 4. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED and APPROVED on _____, 2022.

Mayor

Attest:

City Clerk (Seal)

Approved as to Form:

City Attorney

A g e n d a S t a t e m e n t

Item No.

For Meeting of: 8-1-2022

AGENDA TITLE: Council to conduct a public hearing set for this date at 6:00 PM for the proposed Ordinance Text Change to Chapter 4 Article 1 regarding the International Building Code and International Residential Code.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Department of Development Services

PRESENTATION BY: Zachary Glaubius, Planning Administrator

SUMMARY EXPLANATION: Staff discovered conflicting codes in Chapter 4 and an incorrect reference. Per Code 4-1-10, it states the International Fire Code (Section 101.4.5) is excluded. However, the IFC was adopted in 2021 under Ordinance 4255 and can be found under Code 8-1-12.

Under 4-1-2 (A), it references Appendix F of the International Building Code as adopted. However, it was intended that Appendix F of the International Residential Code be adopted, and the IRC Appendix F has and is presently being enforced by Code Administrators.

The Planning Commission made a positive recommendation on the approval of the Ordinance Text Change (5-1).

BOARD/COMMISSION/STAFF RECOMMENDATION: Positive recommendation on approval

Does this item require the expenditure of funds? ____yes **X** no

Are funds budgeted? ____yes ____no

If no, comments: _____

Estimated Amount _____

Amount Budgeted _____

Department _____

Account Description _____

Approval of funds available _____

City Finance Director

EXHIBITS

Resolution Ordinance Contract Minutes Plan/Map

Other (specify) Staff Report

NOTIFICATION LIST: Yes No Further Instructions

Please list names and addresses required for notification.

Rev: 12/14/ City Clerk

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev: 12/14/ City Clerk

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: June 27, 2022 For Hearing of: July 11, 2022



I. GENERAL INFORMATION

- A. The current municipal code 4-1-10 excludes Section 101.4.5 regarding the adoption of the International Fire Code.
- B. The International Fire Code was adopted in January 2021 with Ordinance 4255 and is found under 8-1-12
- C. The current municipal code 4-1-2 (A)(1) states the City adopted the International Building Code including Appendix F. This Appendix F refers to rodent proofing and is incorrect.
- D. The Appendix F which was meant to be adopted and is being enforced is found in the International Residential Code which the City adopted (4-1-2 (A)(2)). This Appendix F refers to mitigating radon gases

II. CURRENT CODE

- A. 4-1-10
 - 1. Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, **101.4.5**, 101.4.6, 101.4.7, 105.1.1, 105.1.2, 105.2, 109, 110, 112, 113, 115, 3103, and Chapters 13, 27, 28, 29 and 30 of the 2018 International Building Code are excluded and not adopted by this municipal code.
- B. 4-1-2 (A)
 - 1. (A) The following standard building codes are adopted for the purposes of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location, and maintenance of buildings and structures, including permits and penalties:
 - (1) The International Building Code, 2018 Edition, **including Appendix F**, published by the International Code Council. Reference to “International Building Code” throughout this code shall mean this code;
 - (2) The International Residential Code 1 & 2 Family Dwellings, 2018 Edition, published by the International Code Council. Reference to the “International Residential Code” throughout this code shall mean this code; and
 - (3) The International Energy Conservation Code, 2018 Edition, adopted by the Nebraska legislature as the “Nebraska Energy Code”.

III. REVISED CODE

- A. 4-1-10:
 - i. Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.6, 101.4.7, 105.1.1, 105.1.2, 105.2, 109, 110, 112, 113, 115, 3103, and Chapters 13, 27, 28, 29 and 30 of the 2018 International Building Code are excluded and not adopted by this municipal code.
- B. 4-1-2 (A)
- C. (A) The following standard building codes are adopted for the purposes of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location, and maintenance of buildings and structures, including permits and penalties:

(1) The International Building Code, 2018 Edition, published by the International Code Council. Reference to “International Building Code” throughout this code shall mean this code;

(2) The International Residential Code 1 & 2 Family Dwellings, 2018 Edition, **including Appendix F**, published by the International Code Council. Reference to the “International Residential Code” throughout this code shall mean this code; and

(3) The International Energy Conservation Code, 2018 Edition, adopted by the Nebraska legislature as the “Nebraska Energy Code”.

IV. STAFF COMMENTS

- A.** The International Building Code was adopted in January 2020 and the International Fire Code was excluded in this adoption.
- B.** The International Fire Code was adopted in January 2021 under 8-1-12. However, the exclusion under 4-1-10 was not repealed.
- C.** When adopted, Appendix F was mistakenly listed under the IBC, however it should be under the IRC. Staff has been enforcing Appendix F of the IRC since the adoption of IRC in 2020.

V. STAFF RECCOMENDATION

- A.** Staff recommends the Planning Commission make a positive recommendation to City Council to approve the proposed ordinance text amendment changes to 4-1-10 and 4-1-2.