

**ORDINANCE NO. 5299  
(RECONSIDERED AND AMENDED MAY 13, 2014)**

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, AMENDING THE FREMONT MUNICIPAL CODE TO PROVIDE FOR ADDITIONS AND DELETIONS TO THE LATEST EDITION OF THE 2012 INTERNATIONAL BUILDING CODE; TO ADOPT AND PROVIDE FOR ADDITIONS AND DELETIONS TO THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; TO KEEP THE ADOPTION OF THE 2010 EDITION OF THE DEPARTMENT OF JUSTICE'S ADA STANDARDS FOR ACCESSIBLE DESIGN; THE REPEAL OF ORDINANCE NO. 5278; THE REPEAL OF CONFLICTING ORDINANCES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA.

**SECTION I.**

Specifically adopted are:

- a. The International Residential Code, 2012 edition, Chapters 1-23, excluding Parts V and VII Plumbing and Mechanical and Appendix VIII Electrical.
- 1) Specifically not adopted are:
  - a. Appendix Chapters A, B, C, D, F, I, P & Q of the International Residential Code, 2012 edition.
  - 2) The International Residential Code shall apply to the construction, alteration, enlargement, replacement or repair of detached or attached one and two family dwellings and their accessory structures, and any new construction required as a result of moving a one or two family dwelling.

**SECTION II.**

1. The International Building Code 2012 Edition, Chapters 1-26, deleting Chapters 27, 28, 29 (Electrical, Plumbing and Mechanical)
2. Specifically not adopted are Appendix L & M

**CHAPTER 1**

**SECTION 101.2** – Exception – Add to end of paragraph (as amended).

**SECTION R104.10.1** – Delete

**SECTION R105.2** –

Item 1 – Amend to read as follows: Storage building shall require a permit minimum fee of \$30.00.

Item 2 – Amend to read as follows: New fences and reconstruction of existing fences shall require a permit minimum fee of \$30.00.

Item 4 – Amend to read as follows: Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one and grain storage structures supported directly upon grade if the height is less than the diameter or width.

Item 6 – Amend to read as follows: Painting, papering, tiling and carpeting.

Item 7 – Amend to as follows: Prefabricated swimming pools accessory to a Group R-3, as applicable in Section 101.2 which is less than 18 inches deep and installed entirely above ground.

Item 10 – Add at end of paragraph "and under \$500.00."

Item 11 – Amend to read as follows: Special event tents allowed in place for five (5) days or less, except if a longer period of time is approved by the City Council.

Delete balance of R105.2 Electrical, Gas and Mechanical.

**SECTION R105.8** – DELETE Electrical, gas, mechanical or plumbing systems.

**SECTION R107.3** – DELETE entire section

**SECTION R108.2** – Amend to read as follows:

#### Schedule of Permit Fees

A minimum fee of \$30.00 up to \$1600.00 and \$1.50 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.

Permits over \$2,000.00 require an issue fee of \$30.00 plus rates as follows:

\$36.00 for the first \$2,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.

\$174.00 for the first \$25,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.

\$286.50 for the first \$50,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.

\$436.50 for the first \$100,000.00 plus \$2.55 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.

\$1,456.50 for the first \$500,000.00 plus \$2.10 for each additional \$1,000.00 or fraction thereof.

Building permit fees for insulating an existing structure which were completed and occupied prior to May 8, 1984 shall be one-half of the amount shown in the Table.

**OTHER INSPECTIONS AND FEES** shall be amended as follows:

Inspections outside of normal business hours (1 ½ hour minimum) - \$50.00/hour.

Reinspection fees assessed under Provision 305(g) - \$50.00/each.

Investigation Fee - If the work was commenced when City offices were closed and the permit application is made by 10:00 a.m. the first working day City offices are open the investigation fee shall be zero dollars. The investigation fee in all other cases shall be equal to the permit fee, unless work has progressed beyond the point for which there is a required inspection. In this case, the investigation fee shall be a minimum of \$100.00 or the permit fee, whichever is greater. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

**TABLE R301.2 (1) – Climate and Geographic Design Criteria shall read as follows:**

**TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

SNOW LOAD	WIND SPEED <sup>e</sup> (mph)	SEISMIC DESIGN CATEGORY <sup>g</sup>	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP <sup>f</sup>	ICE SHIELD UNDER-LAYMENT REQUIRED <sup>i</sup>	FLOOD HAZARDS <sup>h</sup>	AIR FREEZING INDEX <sup>j</sup>	MEAN ANNUAL TEMP <sup>k</sup>
			Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>	Decay <sup>d</sup>					
25 lb LL	90 Exposure C	A	Severe	36"	Moderate to Heavy	Slight To Moderate	-5	Yes *L	1-2-08	2000	50

For SI: 1 pound per square foot = 0.0479 kN/m<sup>2</sup>, 1 mile per hour = 1.609 km/h.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of the code. The weathering column shall be filled in with the weathering index (i.e., “negligible,” “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footings below finished grade.
- c. The jurisdiction shall fill in this part of the table with “very heavy,” “slightly to moderate,” or “none to slight” in accordance with Figure R301.2(6) depending on whether there has been a history of local damage.
- d. The jurisdiction shall fill in this part of the table with “moderate to severe,” “slight to moderate,” or “none to slight” in accordance with Figure R301.2(7) depending on whether there has been a history of local damage.
- e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- f. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- g. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.
- h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.

- i. In accordance with Sections R905.2.7.1, R905.4.3, R905.5.3, R905.6.3, R905.7.3 and R905.8.3, for areas where the average daily temperature in January is 25°F (-4°C) or less, or where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- j. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index - USA Method (Base 32° Fahrenheit)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
- k. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index – USA Method (Base 32° Fahrenheit)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).

SECTION R302-Fire Resistant Construction

R302.2 Townhouses and R302.3 Two Family Dwellings – Delete exceptions as noted in code and add all unit separations must have a two hour fire separation between units.

R302.5.1 – Garage Opening Protection – Delete last part of paragraph, "Equipped with a self-closing device."

TABLE R301.5 – Minimum Uniformly Distributed Live Loads shall read as follows:

TABLE R301.5  
 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS  
 (in pounds per square foot)

USE	LIVE LOAD
Attics with storage <sup>b</sup>	40
Attics without storage <sup>b</sup>	10
Decks <sup>e</sup>	40
Exterior balconies	40
Fire escapes	40
Guardrails and handrails <sup>d</sup>	200
Guardrails in-fill components <sup>f</sup>	200
Passenger vehicle garages <sup>a</sup>	50 <sup>a</sup>
Rooms other than sleeping rooms	40
Sleeping rooms	40
Stairs	40 <sup>c</sup>

For SI: 1 pound per square foot = 0.0479kN/m<sup>2</sup>, 1 square inch = 645 mm<sup>2</sup>, 1 pound = 4.45 N.

- a. Elevated garage floors shall be capable of supporting a 2,000 pound load applied over a 20 square-inch area.
- b. No storage with roof slope not over 3 units in 12 units.

- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R501.2.1 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters and panel filers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.

**SECTION R309** – Add the following: Separation required. The garage shall be separated from the residence and its attic area by not less than 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 5/8 inch type x gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8 inch type x gypsum board. Garages located less than three feet from a dwelling unit on the same lot shall be protected with not less than 5/8 inch type x gypsum board applied to the interior side of exterior walls that are within this area. Openings in these walls shall be regulated by Section R309.1. This provision does not apply to garage walls that are perpendicular to adjacent dwelling unit wall.

**SECTION R311.4.3** – Amend to read as follows:

Landings at doors. There shall be a floor or landing on each side of each exterior door. Exceptions:

- 1. A door may open at a landing that is not more than 7 3/4 inches lower than the floor level, provided the door does not swing over the landing.
- 2. Screen doors and storm doors may swing over stairs, steps or landings.
- 3. A landing is not required for stairs of less than four risers.
- 4. The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches measured in the direction of travel.

**R313 – Automatic Fire Sprinkler Systems – deleted in its entirety.**

**SECTION R401.3** – Surface Drainage

Add to the end “All surface drainage will drain from property to a public storm sewer. Storm water from the property cannot be trapped at any point on the site from flowing to the storm sewers”.

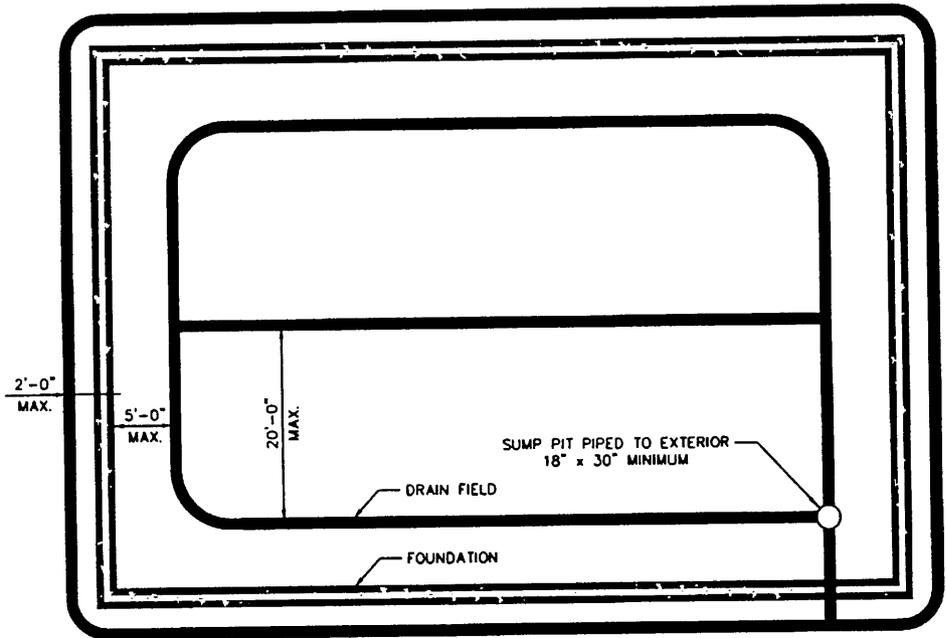
**SECTION R403 Table R403.1** – Amend as follows:

TABLE R403.1 - **Foundation Footings** - be amended as follows:

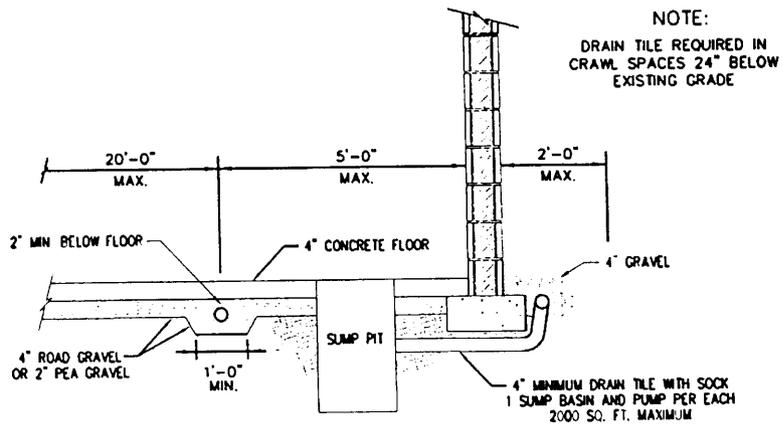
Number of Stories	Unit		Width of Footing (inches)	Thickness of Footing (inches)	Depth of Foundation Below Natl Surface of Ground and/or Finish Grade (inches)
	Concrete	Masonry			
1	8	See Tables R401.1.1	16	8	36
2	10	1- 2- 3 & 4	20	10	36
3	12	12	24	12	36

**SECTION R405.1** – Amend as follows: Drains shall be provided in accordance with figure 405.2, around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces, including crawl spaces with a depth of 24 inches below grade. Other drainage methods may be used if approved by the Building Code Advisory and Appeals Board.

**FIGURE R405.2  
FREMONT BASEMENT DRAIN TILE PLAN**



TOP VIEW



**NOTE:**  
DRAIN TILE REQUIRED IN  
CRAWL SPACES 24" BELOW  
EXISTING GRADE

SIDE VIEW

**SECTION R405.2.2** – Delete entirely

**SECTION R501.3** – Fire Protection of Floors – Delete entirely

**SECTION R408.6** – Flood resistance. DELETE entirely

**SECTION R502.3.1** – Amend to read as follows:

Sleeping areas and attic joists. Table R502.3.1 (2) shall be utilized to determine the maximum allowable span of floor joist that support sleeping areas. Table R502.3.1(1) shall be utilized to determine the maximum allowable span of ceiling joist in attics that are accessed by means of a fixed stairway provided the design live load does not exceed 30 PSF (1.44kN/m<sup>2</sup>) and the design dead load does not exceed 10 PSF (0.48 kN/m<sup>2</sup>). The allowable span of ceiling joist that support attics utilized for limited storage or no storage shall be determined in accordance with Section R802.4.

**CHAPTER 11** – Energy Efficiency – Amend to read as follows: 2009 International Energy Conservation Code.

**CHAPTERS 12 through 42** of the International Residential Code Deleted.

Chapters 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 of the International Residential Code are hereby deleted.

**SECTION 105.2** – Item 1 – Storage buildings shall require a permit - minimum fee \$30.00.

**SECTION 105.2** Item 2 – New fences and reconstruction of existing fences shall require a permit - minimum fee \$30.00.

**SECTION 105.2** - Item 5 - Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one and grain storage structures supported directly upon grade if the height is less than the diameter or width.

**SECTION 105.2** – Work exempt from Permit – 9. Amend reading as follows; prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 18” deep and installed entirely above ground.

**SECTION 105.2** - Item 14 - Amend to read as follows: "Special event tents allowed in place for five (5) days or less, except if a longer period of time is approved by the City Council".

OTHER INSPECTIONS AND FEES shall be amended as follows:

Inspections outside of normal business hours (1 1/2 hour minimum) - \$50.00/hour.

**SECTION 105.1** – Add to the end of the paragraph the following: "Work Commencing before Permit Issuance - Amend to read as follows: If the work was commenced when City offices were closed and the permit application is made by 10:00 a.m. the first working day City offices are open, the investigation fee shall be zero dollars. The investigation fee in all other cases shall be equal to the permit fee, unless work has progressed beyond the point for which there is a required inspection. In this case, the investigation fee shall be a minimum of \$100.00 or the permit fee, whichever is greater. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law."

**SECTION 109 and R109.5** Add to the end of the paragraph the following:– "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 section 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 fee 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. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee."Reinspection fee shall be \$50.00/each. In instances where reinspection fees have been assessed, no additional inspection for the work will be performed until the required fees have been paid"

**SECTION 406.3.4 – Separation – Amend #1 to read as follows:**

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 5/8 inch type gypsum board or equivalent. Where the separation is a floor ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8inch type x gypsum board applied to the garage side only. Door openings between the private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less tan 1 3/8 inches 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. Doors shall be self-closing and self-latching.

**Table 704.8 – Amend to read as follows:**

**TABLE 704.8  
MAXIMUM AREA OF EXTERIOR WALL OPENINGS<sup>a</sup>**

CLASSIFICATION OF OPENING	FIRE SEPARATION DISTANCE (feet)							
	0 to 3 <sup>d,j</sup>	Greater than 3 to 5 <sup>c,d</sup>	Greater than 5 to 10 <sup>c,e,g,h</sup>	Greater than 10 to 15 <sup>d,e,g</sup>	Greater than 15 to 20 <sup>d,g</sup>	Greater than 20 to 25 <sup>d,g</sup>	Greater than 25 to 30 <sup>d,g</sup>	Greater than 30
Unprotected	Not Permitted	Not Permitted <sup>c</sup>	10% <sup>i</sup>	15% <sup>i</sup>	25% <sup>i</sup>	45% <sup>i</sup>	70% <sup>i</sup>	No Limit <sup>b</sup>
Protected	Not Permitted <sup>k</sup>	15%	25%	45%	75%	No Limit <sup>b</sup>	No Limit <sup>b</sup>	No Limit <sup>b</sup>

For SI: 1 foot = 304.8 mm.

a. Values given are percentage of the area of the exterior wall.

b. See Section 704.7 for unexposed surface temperature.

c. For occupancies in Group R-3, the maximum percentage of unprotected and protected exterior wall openings shall be 25 percent.

d. The area of openings in an open parking structure with a fire separation distance of greater than 10 feet shall not be limited.

e. For occupancies in Group H-2 or H-3, unprotected openings shall not be permitted for openings with a fire separation distance of 15 feet or less.

f. For requirements for fire walls for buildings with differing roof heights, see Section 705.6.1.

g. The area of unprotected and protected openings is not limited for occupancies in Group R-3, with a fire separation distance greater than 5 feet.

h. For special requirements for Group U occupancies, see Section 406.1.2.

i. Buildings whose exterior bearing wall, exterior nonbearing wall and exterior structural frame are not required to be fire-resistance rated by Table 601 or 602 shall

be permitted to have unlimited unprotected openings.

j. Includes accessory buildings to Group R-3.

k. Openings will be allowed for uses with the same occupancy group if a 2 hour fire door is installed on each side of the party wall in Downtown

Commercial Zoning District if building is existent prior to the adoption of this Ordinance.

**Table 1607.1 – Minimum Uniformly Distributed Live Loads and Minimum Concentrated Live Loads - #28. Residential habitable attics and sleeping areas the uniform live load shall be 40 lbs. psf.**

**SECTION 1609.4.3 – Exposure Category – Delete Exposure B.**

**CHAPTER 11 – IBC – Accessibility and Department of Justice 2010 ADA Standards and Accessible Design**

CHAPTER 18, VOLUME 2

**SECTION 1809.5 – Frost Protection**

Amend exception to read as follows:

EXCEPTION. Area of 400 square feet or less, except a one-story wood or metal frame building not used for human occupancy and not over 400 square feet in floor area, may be constructed with walls supported on a wood foundation plate or not over 440 square feet in floor area, (where no dimension exceeds 22 feet and the width between bearing walls does not exceed 20 feet) may be constructed with walls supported on a monolithic footing and slab, provided a design submitted by an Engineer or Architect, licensed to practice in the State of Nebraska, is first approved by the Building Code Advisory and Appeals Board.

**SECTION 1805 Table 1809.7 – Amend to read as follows:**

TABLE 1809.7  
FOOTINGS SUPPORTING WALLS OF LIGHT-FRAME CONSTRUCTION<sup>a, b, c, d, e</sup>

NUMBER OF FLOORS SUPPORTED BY THE FOOTING <sup>1</sup>	WIDTH OF FOOTINGS (inches)	THICKNESS OF FOOTINGS (inches)
1	16	8
2	20	10
3	24	12

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

- a. Depth of footing shall be in accordance with Section 1805.2.
- b. The ground under the floor is permitted
- c. Interior-stud-bearing walls are permitted to be supported by isolated footings. The footing width and length shall be twice the width shown in this table, and footings shall be spaced not more than 6 feet on center.
- d. See Section 1910 for additional requirements for footings of structures assigned to Seismic Design Category C, D, E or F.
- e. For thickness of foundation walls, see Section 1805.5.
- f. Footings are permitted to support a roof in addition to the stipulated number of floors. Footings supporting roof only shall be as required for supporting one floor.

**SECTION 1805 – Foundation Drain – add to end of section or install floodproof basement that is approved for installation in the City of Fremont AO Zones.**

**CHAPTER 27 – Electrical – Delete entire chapter.**

**CHAPTER 28 – Mechanical System – Delete entire chapter.**

**CHAPTER 29 – Plumbing Systems – Delete entire chapter.**

**CHAPTER 31**

**SECTION 3103.1** - Temporary Structures – Amend to read as follows: Temporary structures under 1,350 square feet may be erected and left in place between April 1 and October 31 of any calendar year when used for a temporary business in Commercial and Limited Industrial Zoning Districts with a valid vendor’s permit.

Such structures shall comply with all applicable regulations of this code and all other City ordinances.

EXCEPTION: Temporary buildings need not have a frost depth foundation or meet snow load requirements, but shall be designed for a 25 psf wind load and a 10 psf live roof loading and said building plans shall be certified by an Engineer or Architect licensed to practice in the State of Nebraska.

**SECTION 3401.3** – Amend to read as follows: Compliance with other codes. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, addition and changes of occupancy in the Mechanical Code, Plumbing Code, Electrical Code, International Property Maintenance Code, and the International Energy Conservation Code currently adopted by the City of Fremont.

SECTION V. REPEAL. That Ordinance No. 5278 is hereby repealed and any other ordinances in conflict herewith.

SECTION VI. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. This Ordinance shall be published in pamphlet form and distributed as a City Ordinance.

PASSED AND APPROVED THIS 13th DAY OF MAY, 2014

  
\_\_\_\_\_  
SCOTT GETZSCHMAN, MAYOR

ATTEST:

  
\_\_\_\_\_  
Kimberly Volk, MMC  
City Clerk

