

ORDINANCE NO. 42 92

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING HASTINGS CITY CODE CHAPTER 28; ADOPTING APPENDIX CHAPTER F OF THE 2006 INTERNATIONAL RESIDENTIAL CODE; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH.

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

WHEREAS, the City of Hastings has, in the past, adopted codes relating to buildings, to provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of material in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, and;

WHEREAS, the City of Hastings has determined that radon gas is a naturally occurring gas that constitutes a health hazard, and;

WHEREAS, the City of Hastings and Adams County lie in an area that has been determined to be have a high potential incidence of radon gas in the soils and subsoils, therefore;

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

SECTION 1. That Hastings City Code 28-102 is amended to read as follows:

28-102. International Residential Code Adopted

The International Residential Code, 2006 Edition, including appendix chapters E, F, G, H, J, and K, as published by the International Code Council, Inc., is hereby adopted as the Residential Building Code of this municipality for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of one-and two-family dwellings and townhouses not more than three stories in height in the municipality and providing for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions, and terms of the Residential Building Code are hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed herein. The Residential Building Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as such code does not conflict with the Statutes of the State of Nebraska or other specific model codes adopted by the City of Hastings. One copy of the Residential Building Code is on file at the office of the Municipal Clerk and is

available for public inspection at any reasonable time. The provisions of the Residential Building Code shall be controlling throughout the municipality and throughout its extraterritorial zoning jurisdiction.

The following sections of the Residential Building Code are hereby revised:

Section R101.1. Insert: City of Hastings, Nebraska

Section R101.2. Amend to read: **“Scope.** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures inside the corporate limits of the City of Hastings, Nebraska and within two (2) miles thereof, whenever said City is exercising its extraterritorial zoning jurisdiction within said two (2) mile area, except where otherwise specifically provided.”

Section R103. Delete entirely.

Section R105.2. Delete 1 & 2. Delete all Electrical and Gas items.

Section R107. Delete entirely.

Section R112.1. Amend to read: **“General.** In order to hear and decide appeals of orders or determinations made by the building official relative to the application and interpretation of this code, all appeals and requests for interpretation shall be directed to the Board of Appeals in accordance with Chapter 28, Article VI, of the Hastings City Code.”

Table R301.2(1) Insert:

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

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			Weathering	Frost line Depth	Termite					
25 LB/FT ²	90	A	Severe	44"	Moderate to Heavy	-3° F	Yes	FBFM and FIRM, Effective date: August 17, 1981	1362° F-Days	51.2° F

Section R324.2.1. Add “4. Dry proofed residential basements may be constructed below the base flood elevation established in Table 301.2(1) in accordance with Hastings City Code Section 34-216(G)(2)(b).”

Part V—Mechanical. Delete entirely

Part VI—Fuel Gas. Delete entirely

Part VII—Plumbing. Delete entirely

Part VIII—Electrical. Delete entirely

The following sections of the Appendix F of the 2006 International Residential Code are hereby revised:

Section AF102.1 Add Definition: **LICENSED MITIGATION BUSINESS:** A business licensed by the State of Nebraska Department of Health & Human Services to mitigate homes and other properties in Nebraska in order to lower high radon levels.

Section AF103.1 Amend to read, "**AF103.1 General.** The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure AF102). These techniques are required in this municipality. It is recommended that a licensed radon mitigation business be involved in the design and construction of the residence's radon mitigation system."

Section AF103.5 Add, "**Exception 2:** Along with the requirements below, a fan may be added to the submembrane depressurization system, making it active."

Section AF103.6 Add, "**Exception:** Along with the requirements below, a fan may be added to the subslab depressurization system, making it active."

Add Section, "**AF103.13 Pre-occupancy test.** Before the residence is occupied, a short-term radon test shall be completed. If radon levels are greater than 4.0 pCi/L, the system shall have an approved fan installed to make the system an active sub-slab or sub-membrane depressurization system."

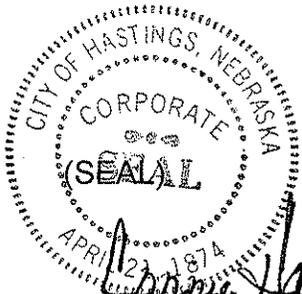
SECTION 3. That all other ordinances or provisions in conflict with this ordinance are hereby repealed.

SECTION 4. Nothing in this ordinance or in the Appendix F to the 2006 International Residential Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 5. The provisions of this ordinance are separable and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 6. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law, in its entirety, or in pamphlet form, as the case may be, said effective date being March 30, 2011 and this ordinance shall be included in the Hastings City Code Book.

PASSED and APPROVED this 14th day of March, 2011.



Donna Hartman
City Clerk

Wendy P. Parnas
Mayor

Approved by City Attorney:

Michael Sullivan 3/7/11
City Attorney