

**TITLE XV: LAND USAGE**

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## **CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION**

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**GENERAL PROVISIONS****§ 150.01 BUILDING INSPECTOR.**

(A) *Power and authority.* The Building Inspector shall be the city official who shall have the duty of enforcing all building, plumbing, electrical, fire and housing regulations as prescribed in this chapter. He or she shall inspect all buildings repaired, altered, built or moved in the city as often as necessary to ensure compliance with all city ordinances. He or she shall have the power and authority to order all work stopped on any construction, alteration or relocation which violates any provisions prescribed in this chapter. He or she shall issue permission to continue any construction, alteration or relocation when he or she is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written order may be served by any police officer. If the Council fails to appoint a Building Inspector, the administrative zoning official shall be the Building Inspector ex officio.

(B) *Right of entry.* It shall be unlawful for any person to refuse to allow the Building Inspector entry into any building or structure where the work of construction, alteration, repair or relocation is taking place for the purpose of making official inspections at any reasonable hour.  
(2002 Code, § 18-1) Penalty, see § 150.99

**§ 150.02 DEMOLITION OF BUILDINGS; REGULATION.**

(A) It shall be unlawful for any person to demolish or raze any building or part of a building in the city without first obtaining a permit from the Building Inspector.

(B) Such permit shall be issued by the Building Inspector, but only after an application for such permit has been approved by the City Administrator.

(C) Before such application is approved by the City Administrator, the applicant shall be required to post a bond of \$1 per square foot of the total floor space of the building excluding basement to be demolished or razed. The bond shall be conditioned that all city utilities shall be properly disconnected and that there will be proper removal of all demolished or razed material. The words **PROPERLY DISCONNECTED** shall include, but not necessarily be limited to, shutting off the water at the main and

sealing the sewer at the point of disconnection with concrete. The Building Inspector shall charge a fee for the permit. The amount of such fee shall be set by the Council, and a schedule of such fee is on file in the City Clerk's office.

(2002 Code, § 18-2) (Ord. 2008-5, passed 4-1-2008) Penalty, see § 150.99

**§ 150.03 MOVING BUILDINGS.**

*(A) Permit required.*

(1) It shall be unlawful for any person to move, or cause to have moved, any permanent, previously used or otherwise occupied structure greater than 50 square feet including, but not limited to, garages and storage type structures, along or across any road, street or alley, into or within the jurisdiction of the city, except as provided in this chapter. Any person desiring to move any permanent structure, previously-used structure or otherwise occupied structure, including garages and storage type structures, upon, along or across any road, street or alley of the jurisdiction of the city shall make written application to the Building Inspector for a permit to do so.

(2) This section shall not pertain to new designed modular or mobile type structures moved into and/or through the jurisdiction of the city. Buildings and/or structures of 50 square feet or less, determined by exterior measurements of the structure, shall be exempted from this section.

(3) Prior to issuance of a moving permit, the applicant shall provide and state the following to the City Building Inspector:

- (a) A vermin-free certification from a reputable exterminating firm;
- (b) Description of the lot on which the structure is located within the jurisdiction of the city;
- (c) Proof of ownership of the structure;
- (d) A statement of verification that all taxes have been paid at the structure's current location;
- (e) Proposed route of travel of the structure;
- (f) A certified engineer's statement, unless waived by the City Council, that the movement of the structure will in no way have adverse effects upon any road surface or bridge on or along the proposed route within the city jurisdiction;
- (g) Date of the proposed move;
- (h) Proof that the structure will be moved by a licensed and bonded contract mover;

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(i) Proof of liability insurance, provided by the moving contractor, in the amount of \$1,000,000;

(j) Estimate of the time required to complete the move;

(k) Written and signed statement indicating the intended use of the structure at the new site;

(l) If within the jurisdiction, a signed statement, attesting that all utilities will be properly disconnected and abandoned as per this code to include, but not be limited to, electrical connections, shutting off the water and properly plugging and sealing all sewer lines back of curb or at right-of-way;

(m) Legal description of the lot the structure will be placed upon;

(n) To-scale drawing depicting the exact location of the structure on the new site or lot, if within the jurisdiction of the city;

(o) A cost of repair, remodel or construction estimate provided by a reputable and practicing construction firm, recognized by the city as an active firm engaged in repair, remodel or new construction;

(p) A certified copy of any and all recorded covenants in place at the new lot location;

(q) An approved building permit, from the city, meeting all the requirements of the adopted Electrical and International Property Maintenance Code in effect at the time of the application;

(r) Copies of approved moving applications from all counties of jurisdiction affected by the move and/or the state, is required; and

(s) A statement from all utility entities that the movement of the structure is acceptable or that a representative of that entity will be present during the move and that the applicant agrees to pay the cost of monitoring and all subsequent related costs pursuant thereto, including, but not limited to, Electrical, Telephone, Gas, Water and the City Street Department.

(4) Prior to issuance of a moving permit, the Building Inspector shall inspect the structure at the present site or location to determine structural soundness of the building to be moved. If evidence of vermin infestation is noted, the applicant shall remove or cause to have removed adjacent interior wall coverings of all vermin-infested areas of the structure, to allow the Building Inspector to determine the extent of damage. A reinspection fee shall be charged as per the schedule outlined in the current Building Code.

(5) (a) Exception: used, previously erected or occupied modular or mobile homes seeking approval to move into or within the city shall meet all of the above conditions, except divisions (A)(3)(a), (b), (f), (h), (i), (l), (n), (o), (p), (q), (r) and (t) above. Upon inspection, the Building Official may require the owner to comply to any or all of the expected divisions listed above, where justified by

inspection results. Appeal of the Building Official's decision shall be presented in writing to the Building Official's office, requesting an appeal to the specific divisions above not accepted by the Building Official, a minimum of ten days prior to the next regularly scheduled City Council meeting.

(b) In addition to the above, once located onsite on a lot in the city, the modular or mobile home owner shall:

1. Close/skirt or underpin the area directly under the unit to the ground, including the tongue or towing apparatus if non-detachable;
2. Construct or otherwise provide a landing at all exterior doors a minimum of three feet in any direction;
3. Construct or otherwise provide a set of steps that meet current Building Code regulations;
4. Where indicated by current Building Code, construct a guard and handrails for the above landing and steps;
5. Install at least one egress window in all bedrooms, per current Building Code requirements;
6. Install GFCI receptacles at all appropriate locations per current NEC requirements;
7. Install minimally battery operated smoke detectors per current Building Code; and
8. Meet all requirements as set forth in § 152.140 of this code, including tongue or towing mechanism removal.

(c) Upon completion of all of the required and stipulated conditions above, the Building Official shall issue an occupancy certificate prior to the owner or tenants occupying the structure. The owner shall not occupy structure until authorized by the Building Official.

(6) Any of the above provisions may be waived upon showing good cause and upon approval by the City Council.  
(2002 Code, § 18-301)

(B) *Permit fee; bond.*

(1) The application for a moving permit as provided for in division (A) of this section shall be accompanied by the required permit fee, which shall be paid over by the Building Inspector to the City Treasurer, who shall credit the fee to the General Fund.

(2) This section shall not pertain to new designed modular or mobile type structures moved into and/or through the jurisdiction of the city. Buildings and/or structures of 150 square feet or less, determined by exterior measurements of the structure, shall be exempt from this section.

(3) (a) Before the city grants such permits, the applicant shall provide a good and sufficient corporate surety bond or cash bond in the amount determined as follows: \$10 per square foot of the ground floor level of the blueprinted, relocated structure, conditioned that the applicant pay any and all damages which may be sustained by the city, individuals or corporations in connection with such moving, and that all city utilities shall be properly disconnected. The surety or cash bond shall be held by the city until such time as the applicant receives a certificate of occupancy from the jurisdiction according to Building Codes in force at the time of application. Failure to complete or comply with Building Codes in force at the time of application shall give cause for the Council to declare the structure a nuisance. Upon declaration or a nuisance, the Council may require the applicant to forfeit that amount of the bond required to complete the project as blueprinted or cause the structure to be razed by hiring a competent contractor of choice determined by the city.

(b) Additional costs, in excess of the bond amount, to raze or complete the structure as blueprinted shall be levied against the property as judgment against such property as set forth § 150.30 of this code.

(4) Exception: Modular or mobile home units qualifying under division (A) of this section shall pay current fee requirements upon application for a moving permit. In addition to the fee, applicant shall post a cash bond or certified check made payable to the city in the amount of \$300. The cash/check shall be held by the city until an occupancy permit is issued by the Building Official.  
(2002 Code, § 18-302)

(C) *Interference with utilities.*

(1) Whenever it shall be necessary for any house mover in moving a building to interfere with any gas mains or telephone or telegraph poles or wires, the house mover shall make satisfactory arrangements with such companies before moving the building.

(2) Whenever the moving of any building necessitates interference with any water main, sewer main, pole or wire that forms a part of the electric distribution system, sewer system or water system of the city, the Building Inspector shall notify the proper city officer or employees to the end that the property of the city may be adequately protected.  
(2002 Code, § 18-303)

(D) *No general permit.* There shall be no permit issued or general permission given to anyone to move buildings at will or generally within the city.  
(2002 Code, § 18-304)

(E) *Penalty.* Violations of this section shall be punishable in accordance with § 10.99.  
(Ord. 98-20, passed 12-8-1998; Ord. 2000-11, passed 7-25-2000; Ord. 2000-12, passed 7-25-2000; Ord. 2005-10, passed 5-10-2005; Ord. 2013-26, passed 4-16-2013) Penalty, see § 10.99



**CODES ADOPTED**

**§ 150.15 BUILDING CODE; BUILDING PERMITS.**

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction, and uses of materials in buildings erected, constructed, enlarged, altered, repaired, relocated and converted, the 2006 International Building Code printed in book or pamphlet form, is incorporated by reference in addition to all amendments thereto as though printed in full in this section insofar as such Code does not conflict with the state statutes. One copy of the Code adopted in this section is on file at the office of the Building Inspector and is available for public inspection at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(2002 Code, § 18-41)

(B) *Permit fee schedule.* The building permit fee schedule for the city, also referred to in the International Building Code adopted in division (A) above, shall be set by the Council; and a schedule of such fees is on file and available in the City Clerk's office.

(2002 Code, § 18-42)

(C) *Permit determinations.* The Building Inspector shall determine when a building permit is required pursuant to this section. Any appeal of the Building Inspector's decision of the requirement to obtain a building permit shall be appealed to the City Administrator.

(2002 Code, § 18-43)

(D) *Energy Code adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and dwellings erected, constructed, enlarged, altered, repaired, relocated and converted, relating to the exterior envelopes and selection of heating, ventilating and air conditioning, service water heating, electrical distribution and illuminating systems and equipment required for the purpose of effective conservation of energy within a building or dwelling, the 2006 International Energy Conservation Code (IECC), printed in book or pamphlet form, is incorporated by reference in addition to all amendments printed in book or pamphlet form, is incorporated by reference as though printed in full in this division (D) insofar as such Code does not conflict with the state statutes. One copy of the Code adopted in this division (D) is on file in the office of the Building Inspector and is available for public inspection. The provisions of the Code adopted in this division (D) shall be controlling throughout the city and throughout its zoning jurisdiction.

(2002 Code, § 18-44)

(E) *Building permits; duplicate to County Assessor.* Whenever a building permit is issued for the erection, alteration or repair of any building within the city's zoning jurisdiction, and the improvement is \$1,000 or more, a duplicate of such permit shall be issued to the County Assessor.

(2002 Code, § 18-45)

(F) *Building permits; cash deposits.*

(1) Cash deposits shall be required with the submittal of each building permit application. The cash deposits shall be set by the Council, and a schedule of the same is on file and available in the City Clerk's office.

(2) The cash deposit shall be forfeited to the city if the contractor fails to call the Building Official to request the required inspections as noted on the building permit card. Upon forfeiture of the building permit cash deposit, a new cash deposit of the same amount shall be required before construction can continue.

(3) The building permit cash deposit shall not be waived.

(4) The cash deposit shall be returned to the owner or contractor as stated on the building permit application within two business days after issuance of the certificate of occupancy.  
(2002 Code, § 18-46)

(G) *Building permits; penalty.* A penalty for not obtaining a building permit prior to the start of the project shall be established in an amount of two times the building permit fee.

(2002 Code, § 18-47)

(Ord. 98-19, passed 11-24-1998; Ord. 2000-15, passed 7-25-2000; Ord. 2007-13, passed 11-20-2007; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2011-4, passed 4-5-2011)  
Penalty, see § 150.99

***Statutory reference:***

*Authority to adopt building code by reference, see Neb. RS 18-132*

*Related provisions, see Neb. RS 18-1743*

**§ 150.16 ELECTRICAL CODE.**

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for all electrical wiring, installation of electrical fixtures, apparatus or electrical appliances for furnishing light, heat or power, or other electrical work introduced into or placed in or upon, or in any way connected to any building or structure, the 2008 National Electrical Code, printed in book or pamphlet form, is incorporated by reference in addition to all amendments thereto as though printed in full in this section, insofar as the Code does not conflict with the state statutes. One copy of the National Electrical Code is on file in the office of the Building Inspector and is available for public inspection at any reasonable time. The National Electrical Code shall be controlling throughout the city and throughout its zoning jurisdiction.

(2002 Code, § 18-81)

(B) *Purpose.* This Electrical Code shall not be construed to:

(1) Require employees of city corporations, public power districts, public power and irrigation districts, electric membership or cooperative associations, public utility corporations, railroads,

petroleum companies, petrochemical companies, pipeline companies, telephone or telegraph systems performing manufacturing, installation and repair work for such employer to hold licenses while acting within the scope of their employment;

(2) Cover the installation, maintenance, repair or alteration of vertical transportation or passenger conveyors, elevators, moving walks, dumbwaiters, stagelifts, manlifts or their appurtenances beyond the terminals of the controllers; and

(3) Require a license of any person who engages any electrical appliance where approved electrical outlets are already installed.  
(2002 Code, § 18-82)

(C) *Building Inspector.* The Building Inspector or his or her authorized representatives are hereby authorized and directed to enforce the provisions of the Electrical Code, and take such action, as provided by law, to enforce the provisions of the Electrical Code.  
(2002 Code, § 18-83)

(D) *Duties of the Building Inspector.*

(1) The Building Inspector shall examine or cause to be examined all electrical installations for which a permit has been issued.

(2) (a) A state electrical permit is required for any electrical work performed within the city limits and within the city's two-mile zoning jurisdiction; this includes an owner of property who resides at the principal dwelling more than 51% of the time. The State Electrical Inspector will conduct all electrical inspections, including remodels and additions for residential structures and any electrical work performed by the owner of the property who resides at the residence more than 51% of the time. The Building Inspector shall not be required to make inspections on any electrical installations that are required to be inspected by state or federal authorities.

(b) An owner of a property may perform electrical work on his or her principal residence where he or she resides more than 51% of the time, if such residence is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations in public use buildings or facilities. The owner of the property does not need to be licensed by the State Electrical Division to perform such work. However, the owner of the property may not perform electrical work on a relative's residence, their rental property or their recreational properties. If the owner of a property is purchasing a home or is presently building a home for their principal residence, the owner may not perform any electrical work.

(3) The Building Inspector or State Electrical Inspector is authorized to examine or cause to be examined any electrical equipment or wiring within or on any building or premises. If such is found to be defective, or not in compliance with accepted standards of construction for safety to life and property, based upon minimum standards set forth in the National Electrical Code, as in any improper operating condition so as to constitute a danger to human life or a hazard to the public health, safety and welfare, the Building Inspector shall give written notice to the owner of such building or premises,

stating the deficiencies found to exist and the date by which these deficiencies must be corrected. Such notice shall be served personally or mailed by United States mail upon the owner at his or her last known address and upon the electrician making the installation.

(4) The Building Inspector is vested with the authority to condemn and disconnect or order the electric utility supplier to disconnect the electrical service to any building or premises where such deficiencies in electrical equipment or wiring have not been corrected within the time specified by such notice duly served upon the owner, or in cases of emergency where the name is necessary for the protection of life, limb or property; and is further authorized to order the electric utility supplier to disconnect service to any building or premises where a valid permit has not been issued for such electrical services.

(2002 Code, § 18-84)

(E) *Right of entry.*

(1) Whenever necessary to make an inspection to enforce any of the provisions of the Electrical Code, or whenever the Building Inspector has reasonable cause to believe that there exists within or on any building or premises any equipment or wiring which makes such building or premises dangerous, hazardous or unsafe, or that work is being done or has been done in violation of the Electrical Code, the Building Inspector is authorized to enter within or on such building or premises at any reasonable time and to inspect the premises; provided that, if such building or premises are occupied, he or she shall first present proper credentials to the occupant and demand entry, explaining his or her reasons; and, if such building or premises are unoccupied, he or she shall first make reasonable effort to locate the owner or other person having charge or control of such building or premises and demand entry, explaining his or her reasons. If such entry is refused or cannot be obtained because the owner or other person having charge or control cannot be found after due diligence, the Building Inspector shall have recourse to every remedy provided by law to secure lawful entry and inspect such building or premises. If, after inspection, the Building Inspector finds the work or equipment being used in a dangerous, hazardous or unsafe manner, he or she is authorized to order discontinuance of such work or the use of such equipment.

(2) No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as provided in this section, to promptly permit entry by the Building Inspector for the purpose of inspection and examination pursuant to the Electrical Code. Any person violating this division (E)(2) shall be guilty of a misdemeanor.

(2002 Code, § 18-85)

(F) *Building Inspector relieved from personal liability.* The Building Inspector or any employee charged with the enforcement of the Electrical Code, acting in good faith and without malice for the city in the discharge of his or her duties, shall not thereby render himself or herself liable personally and he or she is released from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Building Inspector or employee because of such act or omission performed by

him or her in the enforcement of any provisions of the Electrical Code shall be defended by the Legal Department of the city until final termination of the proceedings.

(2002 Code, § 18-86)

*(G) Regulations and registrations.*

(1) It shall be unlawful for any person to engage in the business of installing electrical wiring or equipment for electrical light, heat, power and any other purposes within the jurisdiction of the city, except as provided in this division (G)(1), without having first procured a state Class "A" master electrician's license, a Class "A" electrical contractor's license or a Class "A" journeyman's license, and until he or she has obtained a certificate of registration with the city. Application for registration shall be made in writing to the Building Inspector, showing the name and residence of the applicant, the business location of the applicant and such other information as may be required.

(2) It shall be unlawful for any person to install or supervise the installation of electrical wiring or equipment within the jurisdiction of the city, except as provided in division (G)(1) above.

(3) It shall be unlawful for any person to supervise or assign more than three apprentice electricians to any one master electrician on any one job or project or to assign work to be done or performed by apprentice electricians in violation of the Electrical Code. It shall be unlawful for an apprentice to do or perform any act or electrical installation, repair or maintenance without the supervision of anyone as set forth in division (G)(1) above.

(4) It shall be unlawful for any person to conceal or cause to be concealed any electrical wiring or equipment, except with the permission of the Building Inspector. The request for inspection must be made at the office of the Building Inspector.

(5) All registrations shall expire on December 31 of each year in which they are issued and shall not be assignable. Certificates of registration may be renewed upon payment of the required registration fee.

(2002 Code, § 18-87)

*(H) Installation by homeowner.*

(1) Any homeowner may install electrical wiring or equipment only in a single-family residence which he or she occupies or will occupy as his or her home and an adjacent garage of three stalls or less. All electrical wiring installed by an owner shall be for himself or herself, without compensation or pay from or to any other person for such labor or installation. The homeowner shall be required to apply for and secure a building permit for such installation, pay the required building permit fees and call for all inspections in the manner provided by this section.

(2) A homeowner shall provide to the satisfaction of the Building Inspector that he or she will own the home and will reside in such home in order to qualify for a homeowner's permit.

(2002 Code, § 18-88)

(I) *Permit required.*

(1) No alteration or change shall be made in electrical wiring or equipment for use in the protection of electric lights, heat or power, nor shall any electrical wiring or apparatus be installed within the city without the person's making the alteration or change first securing from the Building Inspector a building permit; nor shall any change be made in any wiring or equipment after inspection without such person's notifying the Building Inspector and securing a building permit; except that, no building permit shall be required to execute minor repair work such as, but not limiting, the generality of the term to:

(a) Repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping joints and repairing drop cords, and repairing of appliances, motors and other devices when not attached to permanent wiring;

(b) Wiring which is an integral part of machinery, appliances or vehicles;

(c) Experimental work of a temporary nature in testing laboratories of electrical shops, educational institutions and the like;

(d) Wiring supplied with current by approved bell-ringing transformers; and

(e) The attaching of portable appliances to existing outlets.

(2) No building permit shall be issued until the fee has been paid according to this section.  
(2002 Code, § 18-89)

(J) *Record of Building Inspector.* The Building Inspector shall keep a full and complete record of all work done, permits issued, examinations made or other official work performed as required by the Electrical Code. The records shall be so arranged as to afford prompt information concerning the condition and general arrangement of any electrical equipment at the time of the Building Inspector's last visit.

(2002 Code, § 18-90)

(K) *Occupation tax.* For the purpose of raising revenue, an occupation tax is levied for electricians and apprentices. The amount of such tax shall be set by the Council, and a schedule of such occupation tax is on file and available in the City Clerk's office.

(2002 Code, § 18-91)

(Ord. 99-7, passed 7-27-1999; Ord. 2007-24, passed 12-4-2007; Ord. 2010-4, passed 4-20-2010; Ord. 2010-30, passed 12-21-2010) Penalty, see § 150.99

***Statutory reference:***

*Authority to adopt electrical code by reference, see Neb. RS 18-132*

**§ 150.17 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS.**

To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction, and uses of materials in houses erected, constructed, enlarged, altered, repaired, relocated and converted, the 2006 International Residential Code for One- and Two-Family Dwellings, printed in book or pamphlet form, is incorporated by reference as though printed in full in this section insofar as such Code does not conflict with the state statutes. One copy of the Code adopted in this section is on file at the office of the Building Inspector and is available for public inspection. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(2002 Code, § 18-151) (Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010)

***Statutory reference:***

*Authority to adopt codes by reference, see Neb. RS 18-132*

**§ 150.18 PLUMBING CODE; PLUMBERS.**

(A) *Adopted by reference.* To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of construction and uses of materials in the installation of plumbing, the 2006 International Plumbing Code, published in book or pamphlet form, is incorporated by reference in addition to all amendments thereto as though printed in full in this section insofar as such Code does not conflict with the state statutes. One copy of the Code adopted in this section is on file at the office of the Building Inspector and is available for public inspection at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(2002 Code, § 18-181)

(B) *Plumbers.*

(1) *Registration required.* No person shall hereafter engage in or work at the business of a master plumber or journeyman plumber in the city until he or she shall have registered as a master plumber or journeyman plumber. Application for registration shall be made in writing to the City Administrator, showing the name and residence of the applicant, the business location of the applicant and such other information as may be required.

(2002 Code, § 18-201)

(2) *Registration of firm.* Any firm may be registered as a master plumber in the name of such firm; provided that, such firm shall have a master plumber who is duly registered as provided in this division (B). Such master plumber must be a bona fide officer of the firm or an employee who is regularly employed by the firm and is actually engaged in the planning, superintending and practical installation of plumbing and drainage. The master plumber listed and registered by such firm shall be

in actual charge of and responsible for the installation, removal or repair of any plumbing or drainage work done by such firm.

(2002 Code, § 18-202)

(3) *Expiration and renewal of registration.* All plumbers registrations shall expire on December 31 of the year in which they are issued, and shall not be assignable. Certificates of registration may be renewed upon payment of the required registration fee.

(2002 Code, § 18-203)

(4) *Revocation of certificate of registration.*

(a) The Council by a majority vote shall have power to revoke any master plumber's or journeyman plumber's certificate of registration upon the recommendation of the Building Inspector or his or her designated representative if the certificate was obtained through error or fraud, or if the recipient is shown to be grossly incompetent, or has a second time willfully violated any of the provisions of the Plumbing Code.

(b) If a certificate of registration is revoked, the holder shall not apply for registration for one year after such revocation.

(2002 Code, § 18-204)

(5) *Unlawful transfer of certificate.* No registered plumber shall allow his or her name to be used by another person, directly or indirectly, to obtain a permit for the installation of any work; and, if any registered plumber violates this provision, the Council shall forthwith revoke the certificate of registration issued to such plumber. In addition to having his or her certificate of registration revoked, such master plumber may be prosecuted under § 10.99 of this code.

(2002 Code, § 18-205)

(6) *Fees.* The City Clerk shall collect all registration and renewal fees as occupation taxes and shall pay them to the School District within the city. The Council shall have the right to classify plumbers for the purpose of setting registration and renewal fees in such categories as it may, in its discretion, set. Such categories are declared to be reasonable and non-discriminatory. The actual amounts of the registration and renewal fees shall be on file at the office of the City Clerk.

(2002 Code, § 18-206)

(7) *Occupation tax.*

(a) For the purpose of raising revenue, an occupation tax for plumbers is levied in an amount to be set by the Council.

(b) The City Clerk shall collect all fees, permits, taxes and renewals and credit them to the General Fund.

(2002 Code, § 18-207)



(8) *Exceptions.* The provisions of this division (B) relating to plumbers shall not apply to any public utility company serving the city and its inhabitants under a franchise agreement with the city, or its agents and employees, and shall not be construed as a limitation or restriction upon any franchises granted by the city.

(2002 Code, § 18-208)

(Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010)

Penalty, see § 150.99

***Statutory reference:***

*Authority to adopt plumbing code by reference, see Neb. RS 18-132*

*Related provisions, see Neb. RS 18-1908 through 18-1911*

**§ 150.19 HEATING, VENTILATION AND COOLING (HVAC).**

(A) To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection and uses of materials in the installation of HVAC equipment, the 2006 International Mechanical Code, published in book or pamphlet form, is incorporated by reference in addition to all amendments thereto as though printed in full in this section insofar as such Code does not conflict with the state statutes. One copy of the Code adopted in this section is on file at the office of the Building Inspector and is available for public inspection at any reasonable time. The provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(B) The provisions of this section relating to HVAC installers shall not apply to any public utility company.

(2002 Code, § 18-351) (Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010)

***UNSAFE BUILDINGS***

**§ 150.30 SPECIAL ASSESSMENTS.**

If any owner of any building or structure fails, neglects or refuses to comply with notice by or on behalf of the city to repair, rehabilitate or demolish and remove a building or structure which is unsafe, or a public nuisance, or is in violation of the 2006 International Property Maintenance Code as adopted by § 150.31 of this chapter, the city may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Council. The Council may levy the cost as a special assessment against the lot or real estate upon which the building or structure is located; which special assessment shall be a lien on the real estate and shall be collected in the manner

provided for special assessments; or collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

(2002 Code, § 18-241) (Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1722*

**§ 150.31 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.**

A certain document, one copy which is on file in the office of the Building Inspector of the city, being marked and designated as the International Property Maintenance Code 2006, as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the city, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in § 150.33 of this chapter.

(2002 Code, § 18-242) (Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2011-8, passed 8-16-2011)

**Statutory reference:**

*Authority to adopt codes by reference, see Neb. RS 18-132*

**§ 150.32 CONFLICTS.**

In the event of a conflict between the provisions of the publication adopted by reference in this subchapter and any other provisions of this code, such other provisions shall be controlling.

(2002 Code, § 18-243) (Ord. 2011-8, passed 8-16-2011)

**§ 150.33 ADDITIONS, INSERTIONS AND CHANGES.**

The following sections of the Property Maintenance Code adopted in § 150.31 of this chapter are hereby revised as follows:

(A) Section 101.1 Title. Insert: “the City of Wayne, Nebraska”.

(B) Section 103.5 Fees. Amend section to read as follows:

“The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be charged as necessary to reasonably recover costs.”

(C) Section 110.1 General. Amend section to read as follows:

“The Code Official shall order the owner of any structure or the owner of the premises upon which any structure is located that has been condemned by the Code Official pursuant to this code, or in the Code Official’s judgment is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that

it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the structure owner's or property owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal."

(D) Section 110.3 Failure to comply. Amend section to read as follows:

"Any person who fails to comply with a demolition order within the time prescribed shall be deemed guilty of an offense punishable by a fine of not less than five hundred dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The Code Official may cause the structure to be demolished and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate."

(E) Section 111.1 Application for appeal. Amend section to read as follows:

"Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. A fee set forth by the city Council shall accompany each application for appeal to the board of appeals; and a schedule of such fees is on file and available in the City Clerk's office. Such fee shall be refunded to the applicant in the event the board of appeals finds in favor of the applicant. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship."

(F) Section 302.4 Weeds. Insert: "twelve (12) inches".

(G) Section 304.14 Insect Screens. Insert: "April 1 to November 1".

(H) Section 602.3 Heat Supply. Amend section to read as follows:

"Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 F. (20 C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code."

(I) Section 602.4 Occupiable work spaces: Amend section to read as follows:

“Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 F. (18 C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.”

(2002 Code, § 18-244) (Ord. 2011-8, passed 8-16-2011)

#### **§ 150.34 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY.**

Any structure becoming uninhabitable, unusable or unoccupiable as a result of fire, flood, wind, disaster or other calamity shall be completely repaired within one year of the fire, flood, wind, disaster or other calamity. If repairs are not completed within one year, the structure shall be inspected by the Code Official. If following the inspection, the structure is determined to be uninhabitable, unusable or unoccupiable by the Code Official, the structure shall be demolished by the owner of the property. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal. Any appeal of the Code Official’s decision shall be governed by the appeal provisions contained in the Property Maintenance Code adopted by the city.

(2002 Code, § 18-245) (Ord. 2011-8, passed 8-16-2011)

### ***FAIR HOUSING***

#### **§ 150.50 PURPOSE.**

The purpose of this subchapter is to promote the general welfare of the residents of the city by endorsing the provisions of the State Fair Housing Act, Neb. RS 20-301 et seq., to the effect that there shall be no discrimination in the city in the acquisition, ownership, possession or enjoyment of housing in accordance with the Constitution of the state, Art. I, § 25.

(2002 Code, § 46-51)

#### **§ 150.51 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGGRIEVED PERSON.** Any person who claims to have been injured by a discriminatory housing practice or believes that he or she will be injured by a discriminatory housing practice that is about to occur.

**COMMISSION.** The State Equal Opportunity Commission.

**DWELLING.** Any building, structure or portion of a building or structure which is occupied as or designed or intended for occupancy as a residence for one or more families and any vacant land offered for sale or lease for the construction or location of any such building, structure or portion.

**FAMILIAL STATUS.** One or more minors being domiciled with a parent or another person having legal custody of such individual or the designee of a parent or other person having legal custody, with written permission of the parent of other person.

**HANDICAP.** With respect to a person, a physical or mental impairment, excluding the current illegal use of or addiction to a controlled substance, as defined in Neb. RS 28-401 which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment.

**PERSON.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

**RENT.** Lease, sublease, let and otherwise grant for consideration the right to occupy premises not owned by the occupant.

**RESTRICTIVE COVENANT.** Any specification limiting the transfer, rental or lease of any housing because of race, creed, religion, color, national origin, sex, handicap, familial status or ancestry. (2002 Code, § 46-52)

**§ 150.52 UNLAWFUL ACTS.**

(A) Except as exempted by § 150.56 of this subchapter, it shall be unlawful to:

(1) Refuse to sell or rent after the making of a bona fide offer; refuse to negotiate for the sale or rental of or otherwise make unavailable or deny; refuse to show; or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, familial status, handicap or sex;

(2) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of connected services or facilities because of race, color, religion, national origin, familial status, handicap or sex;

(3) Make, print, publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, handicap, familial status or sex or an intention to make any such preference, limitation or discrimination;

(4) Represent to any person because of race, color, religion, national origin, handicap, familial status or sex that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;

(5) Cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status or sex of a person seeking to purchase, rent or lease any housing;

(6) Include in any transfer, sale, rental or lease of housing any restrictive covenants or honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;

(7) Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's compliance with this subchapter or the Fair Housing Act; and/or

(8) Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of persons of a particular race, color, religion, national origin, handicap, familial status or sex.

(B) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any minor.

(2002 Code, § 46-53) Penalty, see § 10.99

***Statutory reference:***

*Related provisions, see Neb. RS 20-318*

**§ 150.53 HANDICAPPED PERSONS; DISCRIMINATORY PRACTICES PROHIBITED; DESIGN AND CONSTRUCTION STANDARDS.**

(A) Except as exempted by § 150.56 of this subchapter, it shall be unlawful to:

(1) Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

(a) The buyer or renter;

(b) Any person associated with the buyer or renter; or

(c) A person residing in or intending to reside in the dwelling after it is so sold, rented or made available.

(2) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of:

(a) Such person;

(b) Any person associated with such person; or

(c) A person residing in or intending to reside in the dwelling after it is so sold, rented or made available.

(B) For purposes of this section, *DISCRIMINATION* shall include:

(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises; except that, in the case of rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use or enjoy a dwelling; and

(3) In connection with the design and construction of covered multi-family dwellings for first occupancy after 9-1-1991, a failure to design and construct the dwellings in such a manner that:

(a) The public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons;

(b) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(c) All premises within the dwellings contain the following features of adaptive design:

1. An accessible route into and through the dwelling;

2. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

3. Reinforcements in bathroom walls to allow later installation of grab bars; and

4. Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

(C) Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of division (B)(3) above.

(D) For purposes of this section, ***COVERED MULTI-FAMILY DWELLINGS*** shall mean:

- (1) Buildings consisting of four or more units if such buildings have one or more elevators; and
- (2) Ground floor units in other buildings consisting of four or more units.

(E) Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(2002 Code, § 46-54) Penalty, see § 10.99

***Statutory reference:***

*Related provisions, see Neb. RS 20-319*

**§ 150.54 TRANSACTION RELATED TO RESIDENTIAL REAL ESTATE;  
DISCRIMINATORY PRACTICES PROHIBITED.**

(A) It shall be unlawful for any person whose business includes engaging in transactions related to residential real estate to discriminate against any person in making available such a transaction because of race, color, religion, sex, handicap, familial status or national origin.

(B) For purposes of this section, ***TRANSACTION RELATED TO RESIDENTIAL REAL ESTATE*** shall mean any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
  - (a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
  - (b) Secured by residential real estate.
- (2) The selling, brokering or appraising of residential real property.

(C) Nothing in this section shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, handicap, familial status or sex.

(2002 Code, § 46-55) Penalty, see § 10.99

***Statutory reference:***

*Related provisions, see Neb. RS 20-320*



**§ 150.55 MULTIPLE LISTING SERVICE; OTHER SERVICE; DISCRIMINATORY PRACTICES PROHIBITED.**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions of such access, membership or participation on account of race, color, religion, national origin, handicap, familial status or sex.

(2002 Code, § 46-56) Penalty, see § 10.99

**Statutory reference:**

*Related provisions, see Neb. RS 20-323*

**§ 150.56 RELIGIOUS ORGANIZATION, PRIVATE HOME, PRIVATE CLUB OR HOUSING FOR OLDER PERSONS; RESTRICTING USE NOT PROHIBITED.**

(A) Nothing in this subchapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion or from giving preferences to such persons unless membership in such religion is restricted on account of race, color, national origin, handicap, familial status or sex.

(B) Nothing in this subchapter shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose provides lodgings which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(C) Nothing in this subchapter shall prohibit or limit the right of any person or his or her authorized representative to refuse to rent a room in his or her own home for any reason or for no reason or to change tenants in his or her own home as often as desired; except that, this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or family within his or her home.

(D) Nothing in this subchapter regarding familial status shall apply with respect to housing for older persons. For purposes of this division (D), ***HOUSING FOR OLDER PERSONS*** shall mean housing:

(1) Provided under any state program that the Commission determines is specifically designed and operated to assist elderly persons or defined in the program;

(2) Intended for and solely occupied by persons 62 years of age or older; or

(3) Intended and operated for occupancy by at least one person 55 years of age or older per unit.

(2002 Code, § 46-57)

**Statutory reference:**

*Related provisions, see Neb. RS 20-322*

**§ 150.57 INFORMATION.**

The City Clerk upon request shall make available to an aggrieved person, or any other person, information regarding the State Fair Housing Act and the State Equal Opportunity Commission without cost to such individual.

(2002 Code, § 46-58)

**§ 150.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code.

(B) (1) It shall be unlawful for any person to install, repair, alter, maintain, relocate or remove electrical equipment or wiring or cause or permit such work to be done contrary to or in violation of any of the provisions of the Electrical Code, as per § 150.16 of this chapter.

(2) Any person violating any of the provisions of the Electrical Code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Electrical Code is committed, continued or permitted; and, upon conviction of any such violation, such person shall be punishable in accordance with § 10.99 of this code. The city shall, in addition to the foregoing, have the right to enjoin the commission of any violations of § 150.16 of this chapter.

(2002 Code, § 18-92)

(C) (1) It shall be unlawful for any person to remove, destroy or deface any notice posted by the Building Inspector upon any structure in regards to the Code adopted by § 150.31 of this chapter.

(2) Any person violating § 150.31 of this chapter shall be penalized up to seven days in jail, a \$500 fine, or both.

(2002 Code, § 18-246)

(Ord. 2012-57, passed 10-2-2012)