

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

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*State Fair Housing Act, see Neb. RS 20-304 et seq.*

## **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

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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 (s) 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

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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 accordance with the exception above, such modular or mobile home owners, excluding those moving from one mobile home park to another within the city limits, after placing the home on a lot within the City shall be required to:

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. Obtain a statement from a licensed electrician the structure is safe to connect to the City's electrical system;
6. Install GFCI receptacles at all appropriate locations per current NEC requirements;
7. Meet all requirements as set forth in § 152.140 of this code, including tongue or towing mechanism removal and the City's adopted Property Maintenance Code.

(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; Ord. 2019-17, passed 12-17-2019)

(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.

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(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

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### *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 “2012 International Building Code” as published by The International Code Council, Inc. is hereby adopted as the building code of the City of Wayne, Nebraska, as if fully set out in this section. One copy of the Code adopted in this section is on file at the public library 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) *Conflicts.* In the event of a conflict between the provisions of the publication adopted by reference in this article and any other provisions of this Code, such other provisions of this Code shall be controlling.

(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) *Additions, insertions and changes.* The following sections of the building code adopted in Section 150.15 (A) are hereby revised as follows:

*Section 101.1. Title.* Insert: the City of Wayne, Nebraska

*Section 104.1. General.* Add the following after the last sentence:

The code official shall also be responsible for zoning ordinance enforcement, issuance of street excavation permits and curb grind permits, attendance at all planning commission meetings, board of adjustment meetings, and all meetings pertinent to this position.

*Section 105.2. Work exempt from permit.* Amend item 1 under “Building” to read as follows:

1. One-story detached accessory structures used as playhouses and similar uses, provided the floor area does not exceed 64 square feet.

*Section 107.3.1. Approval of construction documents.* Delete this section.

*Section 109.2. Schedule of permit fees.* Insert the Building Permit Fees as set forth by the City Council and a copy shall be on file at the City Clerk’s office.

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*Section 114.4. Violation penalties.* Amend to read as follows:

Any person who shall violation a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 115.2. Issuance.* Amend to read as follows:

Upon notice from the code official, work on any building or structure that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work, however, a written notice as provided for in this section shall be given as soon as practicable following the work stoppage order.

*Section 115.3. Unlawful continuance.* Amend to read as follows:

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

*Section 1612.3. Establishment of flood hazard areas.* Amend to read as follows:

To establish flood hazard areas, the governing body has adopted flood hazard maps and regulations as set forth in Chapter 152 of the Official Code of the City of Wayne, Nebraska. The adopted flood hazard maps and supporting data are hereby adopted by reference and declared to be part of this section.

*Section 3410.2. Applicability.* Insert: October 1, 2017

Adopt Appendix B: Board of Appeals

(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)

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(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; Ord. No. 2017-29, passed 9-19-2017)

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 2014 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 at the public library 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,

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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

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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)

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### (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 AA@ master electrician's license, a Class AA@ electrical contractor's license or a Class AA@ 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.*

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(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; Ord. No. 2017-29, passed 9-19-2017) Penalty, see § 150.99

***Statutory reference:***

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

**Wayne - Land Usage****§ 150.17 ONE- AND TWO-FAMILY DWELLING CODE.**

(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 houses erected, constructed, enlarged, altered, repaired, relocated and converted, the “2012 International Residential Code for One- and Two-Family Dwellings”, as published by International Code Council, Inc., is hereby adopted as the one- and two-family dwelling code of the City of Wayne, Nebraska, as if fully set out in this section with the additions, insertions, deletions and changes, if any, prescribed in paragraph (B) of this section. One copy of the Code adopted in this section is on file at the public library 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.

(B) *Additions, insertions and changes.* The following sections of the one- and two-family dwelling code adopted in section 150.17 (A) are hereby revised as follows:

*Section R101.1 Title:* Insert: the City of Wayne, Nebraska

*Section R105.2 Work exempt from permit:* Amend to read as follows:

Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. One-story detached accessory structures, provided the floor area does not exceed 64 square feet.
2. Fences not over 6-feet high.
3. Retaining walls that are not over 4-feet in height measured from the top of finished grade to top of wall.
4. 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 2-to-1.
5. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated above ground swimming pools.
8. Swings and other playground equipment accessory to one- or two-family dwelling.
9. Window awnings supported by an exterior wall.
10. Replacement of existing windows with like size windows where no structural alteration is required to affect said change. Window opening size shall not be substantially diminished by replacement and in no instance shall a casement or slider

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style window be replaced with a double-hung style window, unless minimum egress is met.

*Section R106.3.1. Approval of construction documents.* Delete this section.

*Section R108.2. Schedule of permit fees.* Insert the Building Permit Fees as set forth by the City Council and a copy shall be on file at the City Clerk's office.

*Section R112.1. General.* Amend to read as follows:

Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this article may appeal such decision, notice or order to the board of appeals established pursuant to the current building code in force and effect in the jurisdiction of the City of Wayne, Nebraska. The procedure for said appeal shall be as published in said building code then currently in force and effect.

*Section R113.4. Violation penalties.* Amend to read as follows:

Any person, firm or corporation violating any provisions of this code shall be guilty of an offense and 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 this code is committed, continued or allowed, and upon conviction of any such violation, such person shall be punishable by a fine of not more than five hundred dollars (\$500.00).

*Section R114.1. Notice to owner.* Amend to read as follows:

Upon notice from the code official that work on any building or structure is being done contrary to the provisions of this code, such work shall immediately be stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resumed.

*Section R202. Definitions.* Add definitions of "Sleeping Room" and "Building Envelope" as follows:

**SLEEPING ROOM.** Any room in a house that is greater than 70 square feet and has built-in closet space and typically could be used as a bedroom. This does not include rooms used for cooking, eating, family living, gathering, bathrooms, toilet rooms and halls.

**BUILDING ENVELOPE.** Building sections which separate inside, conditioned spaces from outside air.

*Table R301.2(1). CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.* Insert the following design criteria information:

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Roof Snow Load:	30 lbs. per square foot
Ground Snow Load:	25 lbs. per square foot
Wind Speed:	90 mph
Seismic Design Category:	B
Subject to Damage from Weathering:	Severe
Subject to Damage from Frost Line Depth:	42 inches
Subject to Damage from Termite:	Moderate to Heavy
Subject to Damage from Decay:	None to Slight
Winter Design Temp:	4 Degrees
Flood Hazards:	Not Available

*Section R302.5.1. Opening Protection.* Amend. Delete “equipped with a self-closing device.”

*Section R303.7. Stairway illumination.* Amend to read as follows:

All interior and exterior stairways, serving a means of egress, shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. Exterior stairways shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway.

*Section R309.5. Fire Sprinklers.* Delete.

*Section R311.7.5.1. Risers.* Add Exception: 1. Secondary stairways serving only storage and utility areas need not comply with rise height and tread depth.

*Section R313. AUTOMATIC FIRE SPRINKLER SYSTEMS.* Delete this section.

*Section R501.3. Fire protection of floors.* Delete this section.

*Section R502.3. Allowable joist spans.* Amend to read as follows:

Spans for floor joists shall be in accordance with Table R502.3.1(2). For other grades and species and for other loading conditions, refer to the AF & PA Span Tables for Joists and Rafters.

*Section R502.3.1. Sleeping areas and attic joists.* Delete this section.

*Table R502.3.1(1). Floor Joist Spans For Common Lumber Species.* Delete this table.

*Section R502.3.2. Other floor joists.* Amend to read as follows:

Table R502.3.1(2) shall be utilized to determine the maximum allowable span of floor joists that support all areas of the building, provided that the design live load does not exceed 40 psf and the design dead load does not exceed 10 psf.

*Section R506.2.3 Vapor retarder.* Delete this section.

## **Building Regulations; Construction**

*Chapter 11:* Remote this chapter from the one- and two-family dwelling code, however retain the language therefrom and adopt it as Appendix R with the following notation:

“[This appendix is informative and is not part of the code and words or phrases that indicate mandatory action (i.e. “shall”) in this Appendix R shall be read and construed as words or phrases that indicate recommended action (i.e. “should”).]”

*Section G2409.1 (308.1). Scope.* Amend to read as follows:

This section shall govern the reduction in required clearances to combustible materials and combustible assemblies for chimneys, vents, appliances, devices and equipment. Clearance requirements for air-conditioning equipment and central heating boilers and furnaces shall comply with Sections G2409.3 and G2409.4.

*Section P2603.5.1. Sewer depth.* Insert “48” inches in two locations.

Adopt Appendix F – Radon Control Methods

Delete AF103.3 Soil-gas-retarder.

Delete AF103.5.2. Soil-gas-retarder.

Adopt Appendix G – Swimming Pools, Spas and Hot Tubs.

(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; Ord. No. 2017-29, passed 9-19-2017)

***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 “2012 International Plumbing Code” and all Appendices as published by The International Code Council Inc., is hereby adopted as the plumbing code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (C) of this section. One copy of the Code adopted in this section is on file at the public library 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.

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(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.

## **Building Regulations; Construction**

(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)

(C) *Additions, insertions, and changes.* The following sections of the mechanical code adopted in Section 150.18 (A) are hereby revised as follows:

*Section 101.1. Title.* Insert: City of Wayne, Nebraska.

*Section 106.2. Exempt work.* Amend to read as follows:

The following work shall be exempt from the requirement for a permit:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets.
3. The replacement of faucets and fixtures and water closets, provided the fixtures are not being relocated.

*Section 106.6. Fees.* Delete this section.

*Section 108.4 Violation penalties.* Amend to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 108.5. Stop work orders.* Amend to read as follows:

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state

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the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable of a fine of not more than five hundred dollars (\$500.00).

*Section 109.2. Membership of Board.* Delete this section.

*Section 305.4. Freezing.* Amend to read as follows:

Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Water service piping shall be installed at a minimum of 60 inches below finished grade.

*Section 305.4.1. Sewer depth.* Amend to read as follows:

Building sewers that connect to public sewage disposal systems shall be installed to a minimum depth of 48 inches unless otherwise approved by the code official.

*Section 306.3. Backfilling.* Amend to read as follows:

Loose earth free from rocks, broken concrete, frozen chunks and other rubble, shall be placed in the trench in 6-inch layers and tamped in place to existing grade. The backfill under and beside the pipe shall be compacted for pipe support. Backfill shall be brought up evenly on both sides of the pipe so that the pipe remains aligned. In any instance where the manufacturer's installation instructions for materials are more restrictive than those prescribed by code, the material shall be installed in accordance with the more restrictive requirement.

Insert the following after *Section 403.5*

*Section 403.6. Service sinks.* Service sinks will not be required in structures or tenant spaces with less than 250 square feet of washable public floor area.

*Section 406.2. Waste connection.* Amend to read as follows:

The waste from an automatic clothes washer shall discharge through an air break into a standpipe in accordance with Section 802.4 or into a laundry sink. The trap and fixture drain from an automatic clothes washer standpipe shall be a minimum of 2 inches (51 mm) in diameter. The automatic clothes washer fixture drain shall connect to a branch drain or drainage stack a minimum of 3 inches (76 mm) in diameter. Automatic clothes washers that discharge by gravity shall be permitted to drain to a waste receptor or an approved trench drain.

*Section 410.1. Approval.* Amend to read as follows:

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Drinking fountains shall conform to ASME A112.19.1M, ASME A112.19.2M or ASME A112.19.9M and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, water coolers or bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required drinking fountains. In occupancies where only one restroom is required, drinking water may be provided by alternative means approved by the code official.

*Section 416.5. Tempered water for public hand-washing facilities.* Amend to read as follows:

Tempered water shall be delivered from public hand-washing facilities.

*Section 603.2. Separation of water service and building sewer.* Amend to read as follows:

Water service pipe and the building sewer shall be separated by 5 feet (1,524 mm) of undisturbed or compacted earth.

Exceptions:

1. The required separation distance shall not apply where the bottom of the water service pipe within 5 feet (1,524 mm) of the sewer is a minimum of 18 inches (457 mm) above the top of the highest point of the sewer and the pipe materials conform to Table 702.3.
2. Water service pipe is permitted to be located in the same trench with a building sewer, provided such building sewer is constructed of materials listed in Table 702.2.

Insert the following after *Section 603.2.1*:

*Section 603.3. Tracer Wire.* An insulated copper tracer wire shall be installed adjacent to underground non-metallic water service piping. The tracer wire shall not be less than 12-gauge copper wire with insulation suitable for direct burial. The tracer wire shall be attached to the curb box cap and shall terminate at the water meter valve.

*Section 607.1.1. Temperature limiting means.* Delete this section.

*Section 607.1.2. Tempered water temperature control.* Delete this section.

*Section 705.8.2. Solvent cementing.* Amend to read as follows:

Joint surfaces shall be clean and free from moisture. An approved primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B 137.3, CSA B 181.2, or CSA B 182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below

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ground.

*Section 705.14.2. Solvent cementing.* Amend to read as follows:

Joint surfaces shall be clean and free from moisture. An approved primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B 137.3, CSA B 181.2, or CSA B 182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

*Section 715.1. Sewage backflow.* Amend to read as follows:

Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures. Plumbing fixtures having flood level rims above the elevation of the manhole cover of the next upstream manhole in the public sewer may discharge through a backwater valve.

Insert the following after *Section 715.5*:

*Section 715.6 Cleanouts.* All cleanouts located upstream from a backwater valve shall have notification that a backwater device is installed in the drainage system. Such notification shall be in the form of a warning label that is readily visible prior to servicing the drainage system. An accessible cleanout shall be installed immediately downstream from the backwater valve.

*Section 715.7. Repair or replacement.* Backwater valves shall be installed as required when sewer service lines to existing structures are repaired or replaced.

*Section 903.1. Roof extension.* Insert: 12 inches.

*Section 1112.1. Subsoil drains.* Amend to read as follows:

Subsoil drains shall be open-jointed, horizontally split or perforated pipe conforming to one of the standards listed in Table 1102.5. Such drains shall not be less than 4 inches (102 mm) in diameter. Where the building is subject to backwater, the subsoil drain shall be protected by an accessibly located backwater valve. Subsoil drains shall discharge to a trapped area drain, sump or approved location above ground. The subsoil sump shall be required to have a gas-tight cover. The sump and pumping system shall comply with Section 1114.1.

(D) *Appeals.* Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this section may appeal such decision to the board of appeals established pursuant to the building code in force in the city. The procedure for such an appeal shall be as provided in the building code in force in the city.  
(2002 Code, § 18-208)

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(Ord. 2000-15, passed 7-25-2000; Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2017-29, passed 9-19-2017)

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 MECHANICAL CODE.

(A) *Adopted by reference.* 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 “2012 International Mechanical Code” and all Appendices, as published by The International Code Council, is hereby adopted as the mechanical code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (C) of this section. One copy of the Code adopted in this section is on file at the public library 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.

(C) *Additions, insertions and changes.* The following sections of the mechanical code adopted in Section 150.19 (A) are hereby revised as follows:

*Section 101.1. Title.* Insert: the City of Wayne, Nebraska.

*Section 106.5. Fees.* Delete this section.

*Section 108.4. Violation penalties.* Amend to read as follows:

Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter or repair mechanical systems in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 108.5. Stop work orders.* Amend to read as follows:

Stop work orders. Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition,

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shall be liable for a fine of not more than five hundred dollars (\$500.00).

*Sections 109.2 through 109.7.* Delete these sections.

*Section 202. GENERAL DEFINITIONS.* Add definition:

PACKAGED TERMINAL AIR CONDITIONER (PTAC). A type of self-contained heating and air conditioning system unit commonly found in hotels, motels, senior housing facilities, hospitals, condominiums, apartments, add-on rooms and sun rooms.

*Section 507.2.1.1. Operation.* Delete this section.

(D) *Appeals.* Any person who is aggrieved by a decision, notice or order of the code official made pursuant to this section may appeal such decision to the board of appeals established pursuant to the building code in force in the city. The procedure for such an appeal shall be as provided in the building code in force in the city.

(2002 Code, § 18-351)

(Ord. 2007-24, passed 12-4-2007; Ord. 2010-30, passed 12-21-2010; Ord. 2017-29, passed 9-19-2017)

## 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.

(A) *Adopted by reference.* To provide certain minimum maintenance standards, provisions, and requirements for existing buildings, the 2012 International Property Maintenance Code, as published by the International Code Council, Inc., is hereby adopted as the property maintenance code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (C) of this section. One copy of the Code adopted in this section is on file at the public library and is available for public inspection at any reasonable time. The

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provisions of the Code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.

(B) *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.

(C) *Additions, insertions, and changes*. The following sections of the property maintenance code adopted in Section 150.31 (A) of this chapter are hereby revised as follows:

*Section 101.1 Title*. Insert: the City of Wayne, Nebraska.

*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.

*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.

*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.

*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

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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.

*Section 112.4 Failure to comply.* Insert: 100 and 500

*Section 302.4 Weeds.* Insert: twelve (12) inches

*Section 304.14. Insect Screens.* Insert: April 1 to November 1

*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 units, 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.

*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, § 18-242, 18-243, 18-244)

(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; Ord. 2017-29, passed 9-19-2017)

***Statutory reference:***

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

### § 150.32 ENERGY CONSERVATION CODE.

(A) *Adopted by reference.* To provide certain minimum energy conservation standards, provisions, and requirements for new buildings the 2012 International Energy Conservation Code, as published by the International Code Council, Inc., is hereby adopted as the energy conservation

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code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in paragraph (B) of this section. One copy of the Code adopted in this section is on file at the public library 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) *Additions, insertions, and changes.* The following sections of the energy conservation code adopted in Section 150.32 (A) of this chapter are hereby revised as follows:

*Chapter 4. Residential Energy Efficiency.* Delete this chapter in its entirety.

*Section 505. Electrical Power and Lighting Systems (Mandatory).* Delete this Section in its entirety.

(C) *Energy conservation standards.* Minimum requirements are as follows:

- (a) Ceiling: R-49 insulation.
- (b) Frame walls: R-20 (combined R-value of wall elements).
- (c) Slab edge (on grade): R-10 insulation, twenty-four (24) inches down from top of slab.
- (d) Floors (over unheated spaces): R-38 insulation
- (e) Finished basement walls: R-14 (combined R-value of wall elements).
- (f) Crawl spaces: R-10 insulation. Shall be a conditioned space. Floor shall be covered with not less than three (3) inches of concrete.
- (g) Windows: Minimum of double-glazed and maximum U-factor of .30.
- (h) Doors:
  - (1) Sliding glass: Double-glazed, maximum U-value of .35.
  - (2) Swinging: Maximum U-value of .35 based on testing prior to installation of glazing.
- (i) Weatherstripping/caulking: Whatever is necessary to minimize infiltration.
- (j) HVAC equipment:
  - (1) Heat pumps – Heating mode:
    - a. COP = 2.5/1.5 (air source)
    - b. COP = 2.5 (water source)

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- (2) Boilers and furnaces: Combustion efficiency equals eighty (80) percent.
- (3) Air Conditioners/heat pumps – Cooling: SEER minimum rating 15.0.
- (4) Controls: Each system controlled by thermostat; heating system capable of setback to fifty-five (55) Fahrenheit; cooling system capable of setup to eighty-five (85) Fahrenheit.
- (5) All duct work shall be located within the conditioned envelope of the dwelling. Duct work within an attic shall be considered to be in a conditioned space when:
  - a. Immediately adjacent to conditioned living spaces, and
  - b. Remaining surfaces are covered by not less than R-49 insulation.

Joints in duct work shall be sealed as required by HVAC equipment manufacturer.

- (k) Insulate exterior of foundation of slab-on-grade heated structures or provide a thermal break between floor and exterior foundation.
- (l) When proposed rehabilitation of a structure exceeds 50% of assessed value, the structure shall meet or exceed all energy code requirements adopted by the City of Wayne.
- (m) Radon venting shall not be located within walls that are required to be insulated unless minimum R-values can be achieved.
- (n) A minimum R-value of R-44 shall be maintained above all exterior wall plates of conditioned spaces.

Deviations from above requirements require approval from the code official.

(Ord. 2017-29, passed 9-19-2017)

### **§ 150.33 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

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property maintenance code adopted by the city.

(2002 Code, § 18-245) (Ord. 2011-8, passed 8-16-2011; Ord. No. 2017-29, passed 9-19-2017)

### ***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)

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### § 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:

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(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;

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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 A1 17.1, 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:***

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*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

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(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)