

## CHAPTER 4

### BUILDINGS AND CONSTRUCTION

#### Article

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## ARTICLE 1

### CONSTRUCTION; MAINTENANCE; GENERALLY

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## Nebraska Statutes

**For statutory provisions on city regulation of construction, see R.R.S. § 16-234; For provisions on adoption of standard codes by reference, see R.R.S. § 18-132 et seq.**

### **4-1-1. Code Administrator II.**

The City Manager is authorized to designate an employee of the City as Code Administrator II. If no employee is so designated, the functions of the Code Administrator II as described in the Municipal Code shall be performed by the Development Services Director. (Ord. 3690, 2001)

#### **4-1-1.1. Geographical Applicability.**

All provisions of this Chapter shall be applicable to all areas within which the City has exercised its zoning jurisdiction pursuant to Article 25 of the Municipal Code. (Ord. 3791, 2004)

#### **4-1-2. Standard codes; adopted; exceptions.**

The following standard building codes are adopted for the purposes of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures, including permits and penalties:

- (1) The International Building Code, 2012 Edition, published by the International Code Council. Reference to “International Building Code” throughout the Municipal Code shall mean this Code.
- (2) The International Residential Code 1 & 2 Family Dwellings, 2012 Edition, published by the International Code Council. Reference to the “International Residential Code” throughout the Municipal Code shall mean this Code.
- (3) The International Energy Conservation Code, 2009 Edition adopted by the Nebraska legislature as the “Nebraska Energy Code.”

The International Building Code, International Residential Code 1 & 2 Family Dwellings, and the International Energy Conservation Code, 2009 Edition, are described collectively as “the Building Code.” Except for those portions specifically excluded or modified by this or other sections of the Municipal Code, the Building Code is adopted in this section by reference and shall be controlling with respect to the construction of all buildings and structures within the corporate limits of the City and within the area with respect to which the City has exercised its zoning jurisdiction under Chapter 25 of the Municipal Code. One copy of each Code shall be on file in the City Clerk’s office.” (Ord. 4207, 2017)

#### **4-1-3. Same; definitions; generally.**

Wherever the following words or terms are used in any of the standard codes comprised in the building code, they shall be deemed to mean as follows.

**4-1-4. Same; basic code defined.**

The term “basic code” means the International Building Code. (Ord. 3162, 1990; Ord. 3690, 2001)

**4-1-5. Same; building official defined.**

The term “building official” means the Code Administrator II. (Ord. 2892, 1984; Ord. 3690)

**4-1-6. Same; corporation counsel defined.**

The term “corporation counsel” means the City Attorney or Deputy City Attorney.

**4-1-7. Same; department of building inspection defined.**

The term “department of building inspection” means the Department of Development Services. (Ord. 3534, 1997)

**4-1-8. Same; municipality defined.**

The term “Municipality” means the City of Scottsbluff.

**4-1-9. Restriction of employees.**

An official or employee connected with the Department of Development Services shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or specifications, within the City’s zoning jurisdiction, unless he or she is the owner of the building; nor shall such officer or employee engage in any work which conflicts with his or her official duties or with the interests of the department. (Ord. 3690, 2001)

**4-1-10. International Building Code; portions excluded.**

Sections 101.4, 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.5, 105.1.1, 105.1.2, 105.2, 107, 112, 113, 115, 3103, and Chapters 13, 27, 28 and 29 of the International Building Code are excluded and not adopted by this municipal code. (Ord. 4207, 2017)

**4-1-10.1. International Residential Code, portions excluded.**

Section 105.2, 107, 112, 113, 309.5, 313, and Chapter 2904 Fire Sprinkler System, Chapters 11 through 42, which are the energy, plumbing, mechanical and electrical sections, of the International Residential Code are excluded from the Building Code and are not considered as adopted by this Municipal Code. (Ord. 4207, 2017)

**4-1-11. International Building Code; continuation of existing uses and structures.**

The date “June 3, 1975 shall be considered as inserted in the blank in Section 3412.2 of the International Building Code. (Ord. 4207, 2017)

**4-1-12. Same; wood frame construction.**

Table 1505.1 B of the International Building Code shall be considered as amended to read as follows:

“Table 1505.1 B. Type 5B construction: Buildings and structures of Type 5B construction with a fire separation of not less than ten (10) feet from the leading edge of the roof.” (Ord. 3606, 1999; Ord. 3690, 2001; Ord. 3796, 2004)

**4-1-13. Same; sign; bond.**

Appendix H, Chapter H-105.2, “Construction Documents” of the International Building Code shall be considered as amended to read as follows:

“Appendix H, Chapter H-105.2, ‘Construction Documents’: No person shall erect, install, remove or rehang any sign for which a permit is required under the provisions of the International Building Code until an approved bond shall have been filed in the sum of \$5,000.00 as herein required.” (Ord. 3503, 1996; Ord. 3690, 2001)

**4-1-14. Same; demolition; removal; lot regulation.**

Section 3303.4 of the International Building Code shall be considered as amended to read as follows:

“3303.4 Lot regulation: Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of Article 30. All footings and foundations of the demolished or removed structure shall be removed from the site.”

**4-1-15. Same; signs; inspection.**

Section 3107.1 of the International Building Code shall be considered as amended to read as follows:

“3107.1 Inspections: Every sign shall be inspected and approved by the building official. Every electrical illuminated sign shall be inspected on the ground before the sign is installed. Every electrical illuminated sign shall comply with Article 600 of the National Electrical Code.” (Ord. 3503, 1996; Ord. 3690, 2001; Ord. 3796, 2004)

**4-1-16. Same; bond.**

No person shall remove or demolish any structure for which a permit is required under the provisions of the International Building Code until an approved bond shall have been filed in the sum of five thousand dollars (\$5,000.00). (Ord. 3162, 1990; Ord. 3690, 2001)

**4-1-17. International Residential Code; garage; accessory building.**

Section R-309.2 of the International Residential Code shall be considered as amended to read as follows:

“R-309.2. Separation Required. The garage shall be completely separated from the residence and its attic area by one-half (½) inch gypsum board or equivalent applied to the garage side. If a detached accessory building is separate, and is more than five (5) but less than ten (10) feet distant, from the main dwelling structure, measured from building lines, one-half (½) inch gypsum board or equivalent shall be applied on the entire interior wall of the main dwelling structure. The one-half (½) inch gypsum board or equivalent shall cover the interior wall from exterior to exterior wall sheathing and from floor to under exterior roof sheathing.” (Ord. 3606, 1999; Ord. 3690, 2001)

**4-1-18. Finished Grade.**

The finished grade from the curb line to any wall facing the street shall be not less than one-quarter (1/4) inch above the curb grade for every foot the wall is set back from the curb line. The curb grade shall be determined by the City Manager or the designee of the City Manager upon an application for a building permit. (Ord. 2409, 1978; Ord. 1116)

**4-1-19. Fire Limits; established.**

The following areas are hereby declared to be within the Fire Limits of the City:

**PLATTED AREAS**

<b>Addition</b>	<b>Block</b>	<b>Lot</b>
Broadway Addition	1,2	All
Bryant School Addition		37,38,39
City Addition	1,2	All
First Addition	1,2,3,4,5	All
Fourth Addition	1	16 to 28, incl.
Kenesaw Addition	1	All
Main Street Addition		All
McClanahan's Addition	1	All
North Scottsbluff	20,21,22, and 30 to 35, incl.	All
North Scottsbluff	23, 29, 36	W <sup>1</sup> / <sub>2</sub> of Block
Original Town	1 to 15 incl.	All
Second Addition	A,B,C,D,E	All
Seventh Addition	1,2,3,4	All
Seventh Addition	A	All
Sixth Addition	4,5	All
South Side Addition	1,2	All
Subdivision Lots 13, 14	Blk 6, Original Tw	All
Sunset Addition	1	All
Third Addition	1,2	All
Third Addition	3	5 to 12, incl.
Third Addition	4	5 to 8, incl.
Third Addition	5,6,7,8,9	All
Tri-State Addition	1,2	All

**UNPLATTED AREAS**

(All of Twp. 22 N., R.55 W. of 6th P.M.)

<b>Section</b>	<b>Quarter</b>	<b>Tract</b>
23	SW	C.B. and Q.R.R. right-of-way

23	SE	C.B and Q.R.R. right-of-way; also tract beginning at a point 60 feet North of the Northeast corner of Block Four (4), Original Town of the City; thence North 300 feet; thence West 140 feet; thence South 300 feet; thence east 140 feet to the point of beginning.
26	NW	Tax Lots 20, 21, 39A.
<b>Section</b>	<b>Quarter</b>	<b>Tract</b>
26	NE	Tax Lots 1, 2, 11, 12, 13, 14, 14A, 14B, 19A, 19B, 19C, 19D, 19E; C.B. and Q.R.R. right-of-way West of 2nd Avenue.

Each of the foregoing descriptions, together with the introductory clause and the applicable column and other headings in this section, shall constitute a separate and distinct section of this Article. (Ord. 2409, 1978; Ord. 1116)

**4-1-20. Entries; notices; orders.**

The Planning and Building Official and the Code Administrator II, or his or her deputy, in the discharge of their official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary exit facilities in buildings and structures, the Official or Administrator shall issue such notices or orders as may be necessary. (Ord. 2565, 1980; Ord. 1116; Ord. 3796, 2004)

**4-1-21. Building code; variances.**

Any person aggrieved by a decision of the Planning and Building Official or the Chief Building Inspector may apply to the Building, Fire Codes Exception Board for a variation of the application of any provision of the building code to the particular case. The application shall be in writing, shall specify the variation sought, and shall be signed by the applicant. The Board, upon such application and after a public hearing pursuant to such notice as the Board shall specify, may vary the application of any provision of the building code to the particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of the building code or public interest. A decision of the Board to vary the application of any provision of the building code shall specify in what manner the variation is made, the conditions upon which it is made, and the reasons therefor. (Ord. 3062, 1987)

**4-1-22. Same; fees.**

Any person applying for a variation of the application of any provision of the building code shall, at the time of submitting the application to the Planning and Building Official, pay to the Official a fee equal to one-half (1/2) of the original building permit application filing fee; provided, the minimum fee shall be twenty dollars (\$20.00). Provided, further, no such fee shall be payable if the application is made by the City pursuant to a motion of the City Council. (Ord. 3006, 1986)

**4-1-23. Permit; subdivision of land.**

No permit shall be issued for the construction or alteration of a building or structure on a tract of land which has not been subdivided in accordance with State law and applicable subdivision ordinances of the City, and no permit shall be issued for the removal of a building or structure from one tract of land to another or to a new location on the same tract of land, unless the tract to which the building or structure is proposed to be moved or (in the event of a proposal to remove a building or structure to a new location on the same tract), unless such tract shall have been subdivided in accordance with State law and applicable sections of the Municipal Code. (Ord. 2409, 1978)

**4-1-24. Permits; fees; required.**

No permit required by the building code nor any permit required by the fire prevention code as that term is defined in Chapter 8 shall be issued until the fee prescribed in this Code shall have been paid, nor shall an amendment be approved until the additional fee, if any, payable because of an increase in the estimated cost of the building or structure shall have been paid; provided, the Planning and Building Official may waive payment of the fee required for a demolition permit in event the building or structure shall have been condemned or ordered demolished. (Ord. 3506, 1996)

**4-1-25. Same; fees; amount.**

The fees for permits required by the building code and fire prevention code shall be as provided in Chapter 6, Article 6.

The Planning and Building Official annually in January shall determine the average cost per square foot of construction of residential, business, commercial and industrial units, and such cost shall be deemed to constitute during the twelve ensuing calendar months the cost of construction of such units for purposes of computing the fee for a permit to construct such units, unless the applicant shall submit evidence, satisfactory to the Planning and Building Official that the actual cost of construction of the unit(s) for which a permit is sought will be less than the amount determined by the Official in January of that calendar year. (Ord. 3506, 1996)

**4-1-26. Same; application for solid waste containers.**

In addition to the other requirements prescribed in this Article, no permit required by the building code shall be issued until the contractor shall have submitted to the Planning and Building Official an application for solid waste container(s) in accordance with the requirements in Chapter 19. (Ord. 2704, 1981)

**4-1-27. Same; fees; refund; new permit.**

In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made and the portion of the fee for uncompleted work returned to the permit holder; provided, no refund of a prescribed minimum fee shall be made. If such discontinuance is due to a revocation of permit, a similar adjustment and return may be made; provided, no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made, no work shall be resumed until a new application has been made and a new permit has been issued. (Ord. 2409, 1978; Ord. 1116)



**4-1-28. Same; fees; estimated cost; defined.**

The term “estimated cost,” as used in this Article means the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided, the cost of excavating or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure shall not be deemed to be a part of such estimated cost. (Ord. 2409, 1978; Ord. 1116)

**4-1-29. Same; completion of work.**

Except as otherwise provided in this section, all work authorized under a permit granted under the building code shall be completed within two (2) years after the work has commenced. Work of the following types shall be completed within the following period of time after the work has commenced:

- (1) construction or repair of a single family residence - one (1) year,
- (2) construction or repair of detached private garage - six (6) months,
- (3) moving of building from original foundation to new foundation - six (6) months; provided, the building shall be permanently attached to the new foundation within three (3) months after its removal from the original foundation, and
- (4) demolition of any building or structure - three (3) months. (Ord. 2409, 1978; Ord. 1116)

**4-1-30. Violations; penalties.**

A violation of any provision of this Article, including the standard codes adopted thereby, and a violation of with any lawful permit, order or notice made or given thereunder, is a Class II violation. Each day that a violation or noncompliance shall continue after notification by the Planning and Building Official shall constitute a separate offense. (Ord. 2409, 1978; Ord. 1116)

**4-1-31. Permit; failure to request; notice; delinquent fee.**

In the event the Planning and Building Official shall determine that construction for which a prior permit was required by this Article has occurred without an application therefor in the form required by this Article having been filed with the Official the Official shall in writing notify the owner(s) and, if the building or structure is in the possession of or occupied by another, shall also notify the latter, of such determination, and that such person(s) shall, within fourteen (14) days after service of such notice, file with the Official the required application and pay to the Official the fee required, under preceding sections of this Article, to be paid in connection with such an application, together with a delinquent fee in the amount provided in Chapter 6, Article 6. The Official shall cause such notice to be sent either personally or by certified mail addressed to the last known residence address of the person(s) upon whom the notice is to be sent; and service by such mail shall be complete upon deposit of the envelope containing the notice in the United States Post Office. (Ord. 3006, 1986)

**4-1-32. Building Contractor, defined.**

The term “building contractor” as used in this Chapter means an individual or other legal entity engaged in the business of contracting with an owner or with another building contractor to provide labor for the construction, alteration, repair or improvement of buildings or other structures, including sidewalks and streets. An employee of a building contractor who does not directly contract with an owner or another building contractor is not a building contractor within this definition.

#### **4-1-33. Registration, required.**

It shall be unlawful for anyone to engage in the business of a building contractor within the City of Scottsbluff or its zoning jurisdiction without having first registered with the City as required by this Chapter.

#### **4-1-34. Registration, procedure.**

(1) The City Manager or the city employee designated by the City Manager may register building contractors to do business in the city or its zoning jurisdiction. Before registering a contractor the City Manager or his or her designee may require the applicant to:

- (a) furnish references;
- (b) describe the general nature of the work the applicant proposes to do;
- (c) describe the applicant's experience;
- (d) identify the employees of the applicant;
- (e) describe any liability insurance insuring the applicant (such insurance is not required);
- (f) describe whether a license to conduct business as a building contractor has been revoked or suspended by any other jurisdiction, and if so, to fully describe the circumstances;
- (g) state the applicant's business and residence addresses, and phone numbers, including cell phones if any.

(2) Upon the applicant's furnishing the required information and paying the fee described in Chapter 6, article 6, the applicant shall be registered unless the City Manager or the designee of the City Manager articulates written reasons why, for reasons associated with the competence or integrity of the applicant, it is not in the best interest of the city that applicant be registered. The applicant shall either be registered or shall be sent a written explanation why the applicant will not be registered within fourteen days after the date of application.

(3) Such registration will be valid for one calendar year after the date of issuance, after which time it will expire without further notice to the registrant. Upon application for renewal of such registration, the applicant will advise the City Manager or the designee of the City manager in writing if any statement in the original application is no longer accurate.

#### **4-1-35. Notice to applicant or building contractor, how given.**

In the event of a change of address the City Planner shall be notified in writing of such change. Any notice required by this chapter to be sent to an applicant or building contractor shall be properly given if sent by regular U.S. mail to the address shown on the application, or, in the event the City Planner has been given written notice of a change of address, to such changed address. Notice may also be given in any other manner reasonably calculated to give the recipient of the notice actual knowledge of its contents.

#### **4-1-36. Regulations, orders, compliance, required.**

All building contractors shall comply with all applicable provisions of this Municipal Code and all building codes adopted by this Municipal Code, and shall comply with all lawful orders given by employees of the City of Scottsbluff. All building contractors shall be responsible to insure that their employees comply with the provisions of this section.

**4-1-37. Registration, revocation, procedure.**

Any registration issued granted to a building contractor may be revoked by the City Manager or the designee of the City Manager in writing upon a showing of good cause after notice and a hearing. Good cause for revocation shall include but not be limited to:

- (a) Falsification of information on the application for registration;
- (b) Any improper construction practice that endangers life or property.

**4-1-38. Appeal.**

If registration is denied or revoked by a designee of the City Manager, the applicant may appeal to the City Manager by filing a notice of appeal with the City Clerk within fourteen days. The City Manager, after an appropriate hearing in which the Nebraska Rules of Evidence shall not apply, may affirm or reverse the decision denying or revoking the registration. The hearing shall be de novo. Evidence shall not be restricted to the evidence presented to the designee, and the City Manager shall owe no deference to the decision of the designee. If registration was denied or revoked by the City Manager, any appeal shall be to an appropriate court.

**4-1-39. Violation, penalty.**

Any person who falsifies information on an application for a building contractor registration, or who violates any provision of this sections 4-1-32 through 4-1-36 shall be guilty of a Class II violation.

**ARTICLE 2**

**ELECTRICAL CONSTRUCTION**

**(a) GENERAL PROVISIONS**

**Section**

- 4-2-1 [Definitions; generally.](#)
- 4-2-2 [Same; area of City jurisdiction defined.](#)
- 4-2-3 [Same; electrical code defined.](#)
- 4-2-4 [Same; electrical equipment defined.](#)
- 4-2-5 to 4-2-9 Reserved.

**(b) ADMINISTRATION OF LAW**

- 4-2-10 [Electrical Inspector; power; duties.](#)
- 4-2-11 [Same; entry; tests; electric power; wires.](#)
- 4-2-12 [Dangerous equipment; conditions; notice.](#)
- 4-2-13 [Electrical Inspector; defense.](#)
- 4-2-14 [Electrician; State license; required; exceptions.](#)
- 4-2-15 [Same; supervision.](#)
- 4-2-16 [Construction permit; required, exceptions.](#)

<a href="#">4-2-17</a>	<a href="#">Same; application.</a>
<a href="#">4-2-18</a>	<a href="#">Same; fees.</a>
<a href="#">4-2-19</a>	<a href="#">Electrical contractor; bond.</a>
<a href="#">4-2-20</a>	<a href="#">Permit; posting.</a>
<a href="#">4-2-21</a>	<a href="#">Same; expiration; renewal.</a>
<a href="#">4-2-22</a>	<a href="#">Same; revocation.</a>
<a href="#">4-2-23</a>	<a href="#">Same; work; conformance.</a>
<a href="#">4-2-24</a>	<a href="#">Inspections; required.</a>
<a href="#">4-2-25</a>	<a href="#">Same; notice to Electrical Inspector; leaving work open.</a>
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<a href="#">4-2-33</a>	<a href="#">National Electrical Code; adopted.</a>
<a href="#">4-2-34</a>	<a href="#">Same; branch circuit conductors; other.</a>
<a href="#">4-2-35</a>	<a href="#">Same; changes in existing installations.</a>
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### (d) VIOLATIONS; PENALTY

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### (a) GENERAL PROVISIONS

#### **4-2-1. Definitions; generally.**

The following words or phrases, whenever used in this Article or the electrical code, shall be deemed to mean the following.

#### **4-2-2. Same; area of City jurisdiction defined.**

The term “area of City jurisdiction” means the geographic area within the corporate limits of the City, and within the area outside the corporate jurisdiction within which the City has exercised or, as the case may be, shall exercise its zoning jurisdiction. (Ord. 3503, 1996)

#### **4-2-3. Same; electrical code defined.**

The term “electrical code” means the standard electrical code as adopted in this Article. (Ord. 3503, 1996)

**4-2-4. Same; electrical equipment defined.**

The term “electrical equipment” includes material, fittings, devices, appliances, fixtures, apparatus, and the like, as a part of, or in connection with, an electrical installation. (Ord. 3503, 1996)

**4-2-5 to 4-2-9. Reserved.**

**(b) ADMINISTRATION OF LAW**

**4-2-10. Electrical Inspector; power; duties.**

The City Manager is authorized to designate an employee of the City as Electrical Inspector. If no employee is so designated, the functions of the Electrical Inspector as described in the Municipal Code shall be performed by the Planning and Building Official. The Electrical Inspector is hereby authorized, empowered and directed to interpret, where necessary, and enforce all provisions of this Article, to the end that fires and accident or injury to persons or property shall be prevented. (Ord. 2200, 1976; Ord. 1116)

**4-2-11. Same; entry; tests; electric power; wires.**

The Electrical Inspector, upon proper identification and subject to requirements of search warrants, where applicable, shall have the right during reasonable hours to enter any building or premises and, in the discharge of his or her official duties, to inspect and test any electrical equipment or appliances therein contained. The Electrical Inspector shall have the authority to cause the turning off of electrical power and, in case of an emergency, to cut or disconnect any wire where electrical power is dangerous to life or property. (Ord. 2200, 1976; Ord. 1116)

**4-2-12. Dangerous equipment; conditions; notice.**

Whenever in the judgment of the Electrical Inspector any electrical equipment has been constructed or placed, or is guarded, in a manner such as would tend to cause or permit fires or accidents or endanger life or property, the Electrical Inspector shall at once notify the owner or occupant, or the agent of the owner or occupant, of such defect and order him or her to repair, rearrange or remove the same. (Ord. 2200, 1976; Ord. 1116)

**4-2-13. Electrical Inspector; defense.**

Any suit brought against the Electrical Inspector or his or her subordinates because of an act performed by him or her, or an omission by him or her occurring, in the enforcement of any provision of this Article shall be defended by the City until final termination of the proceedings. (Ord. 2200, 1976; Ord. 1116)

**4-2-14. Electrician; State license; required; exceptions.**

It shall be unlawful for any person to engage in the installation, repair or alteration of electrical equipment within the area of City jurisdiction without having secured from the State Board of Electrical Examiners a license of the class or type which by the laws of the State of Nebraska is required to be held by the person engaged in such work. A true copy of the license shall be filed in the office of the Electrical Inspector before any work for which the license is required shall commence; provided, a license issued in respect of a calendar year will meet the requirement of this section until the next following January 31st. This section shall not apply to:

(1) an apprentice electrician working under the direct supervision of a licensed master electrician or licensed journeyman electrician,

(2) employees of 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, or employees of affiliated companies performing manufacturing, installation, and repair work for such employer, while acting within the scope of their employment,

(3) the installation, maintenance, repair, or alteration of vertical transportation or passenger conveyors, elevators, or appurtenances thereto,

(4) the engaging of any electrical appliance where approved electrical outlets are already installed.

(5) an employee, working for a single employer as part of such employer's full-time staff and not holding himself or herself out to the public for hire, while acting within the scope of his or her employment, or

(6) an owner of property performing work on such property or farm property which he owns, excluding commercial, industrial, or public se buildings. (Ord. 2200, 1976; Ord. 1116)

**4-2-15. Same; supervision.**

If an electrical contractor employs men to make an electrical installation, all work shall be done under the direct supervision of a licensed master electrician or a licensed journeyman electrician. (Ord. 2200, 1976; Ord. 1116)

**4-2-16. Construction permit; required, exceptions.**

No electrical equipment shall be installed and no alteration shall be made in the electrical equipment in any building or on any premises for use in connection with electric power, lights, signs, motors or heating devices without having secured from the Electrical Inspector a permit therefor. Provided, this section shall not apply to maintenance and repairs on the premises of a person, firm or corporation regularly employing journeyman electricians for that purpose; provided, further, the Electrical Inspector, if he or she finds that the safety of persons or property does not require a permit, may waive the requirement of a permit for repairing or replacing snap switches, fuses, lamp fixtures, taping bare joints and repairing drop cords. (Ord. 2200 , 1976; Ord. 1116)

**4-2-17. Same; application.**

An application for a permit to install, replace or alter electrical equipment shall be made in writing upon forms furnished by the Electrical Inspector. The application shall show the location of the proposed work, and shall include a drawing or schematic diagram illustrating and describing the proposed installation of electrical equipment. The Electrical Inspector shall examine every such application, plan and diagram for compliance with the provisions of this Article before issuing a permit to the applicant. (Ord. 2200, 1976; Ord. 1116)

**4-2-18. Same; fees.**

The Electrical Inspector shall collect from the applicant the fee provided in Chapter 6, Article 6.

**4-2-19. Electrical contractor; bond.**

No person, firm or corporation shall engage in the business of installation, repair or alteration of electrical equipment for which a construction permit is required in this Article until such person, firm or corporation shall have filed with the City Clerk a bond, with two (2) or more sureties or a bond of surety company to be approved by the City Clerk, in the penal sum of two thousand dollars (\$2,000.00) conditioned that the principal will indemnify and keep harmless the City in case of accident or damage arising from negligence or unskillfulness in doing or protecting such work, or from unfinished or inadequate work, and that the principal will restore the public streets, alleys, sidewalks and pavement over all work done, and fill all excavations made by the principal so as to leave all streets, sidewalks and pavements in as good condition as when the work began, and will maintain the same to the satisfaction of the City Manager for a period of six (6) months thereafter. (Ord. 2200, 1976; Ord. 1116)

**4-2-20. Permit; posting.**

The electrical construction permit shall be posted by the person installing the work in a conspicuous place on the building or premises wherein the work is being performed, and shall be maintained by such person in such place until the work has been completed and final approval thereof by the Electrical Inspector has been obtained. (Ord. 2200, 1976; Ord. 1116)

**4-2-21. Same; expiration; renewal.**

A construction permit issued under provisions of this Article shall become null and void if the work is not commenced within six (6) months from date of issuance of the permit or shall be abandoned for a period of one hundred twenty (120) days. Renewal of an expired permit for identical work shall be obtained before work is recommenced, and the renewal fee therefor shall be the minimum amount required for a new permit. (Ord. 2200, 1976; Ord. 1116)

**4-2-22. Same; revocation.**

The Electrical Inspector may, in writing, revoke a permit which has been issued under the provisions of this Article whenever the permit has been issued in reliance upon a misrepresentation of work proposed or incorrect information supplied by the applicant, or in violation of the provisions of this Article. (Ord. 2200, 1976; Ord. 1116)

**4-2-23. Same; work; conformance.**

All work done by the holder of such a permit shall conform to the plans and specifications therefor which are included in the approved application unless the Electrical Inspector shall in writing consent to a deviation from such plans or specifications. (Ord. 2200, 1976; Ord. 1116)

**4-2-24. Inspections; required.**

The Electrical Inspector shall make the following inspections of electrical equipment installations:

- (1) an “electrical rough-in” inspection when all conduit, boxes, wires troughs, raceways, cabinets and panel boards to be installed are in place, before the view thereof has been obscured and before installing fixtures or devices,
- (2) “meter loop” inspection when all conduit, service entrance equipment, meter sockets, main service disconnects and distribution panels are in place and all wiring from the point

of service attachment to the point of distribution is in place, before current is permanently connected or restored,

(3) “final electrical” inspection when all electrical equipment to be installed, including all outlets, receptacles, lights, switches, fixtures, appliances, motors, controls, devices and apparatus are in place, completed, and operating, and

(4) such other inspections or tests of apparatus as the Electrical Inspector shall deem necessary to determine compliance with provisions of this Article. (Ord. 2200, 1976; Ord. 1116)

**4-2-25. Same; notice to Electrical Inspector; leaving work open.**

During and upon completion of the installation of electrical equipment, it shall be the duty of the contractor, electrician or installer to notify the Electrical Inspector when the work is ready for inspection. It shall be the responsibility of the contractor or person in charge of electrical installation to see that no work is obscured from view and is left open until inspected and approved. (Ord. 2200, 1976; Ord. 1116)

**4-2-26. Same; time; notice to applicant.**

The Electrical Inspector shall complete inspection of work by the close of the working day of the department following the day on which the department has been notified that the work is ready for inspection. When, upon inspection of the work, the Electrical Inspector finds the electrical installation to be fully in compliance with provisions of this Article, and not to constitute a hazard to life and property, he shall attach to the installation a tag approving the installation, and shall authorize connection of the installation to the electrical service and the turning on of the power. If the Electrical Inspector finds the electrical installation not to be fully in compliance with provisions of this Article, or that it constitutes a hazard to life or property, he shall so notify the person, firm or corporation who made the installation and, if such person, firm or corporation shall so request, shall furnish to such person a statement in writing of the reasons for such finding. No power shall be turned on until an approval tag has been attached and authorization for a connection has been given by the Electrical Inspector, provided, if the Electrical Inspector shall fail to complete an inspection within the time herein limited, work may proceed or, as the case may be, a connection may be made or power may be turned on at the risk of the person doing the work and his or her employer, if any. (Ord. 2200, 1976; Ord. 1116)

**4-2-27. Failure to request permit, inspection; delinquent fee.**

If the Electrical Inspector becomes aware that a person has failed to file a necessary request for a permit and/or inspection, the Electrical Inspector shall send to such person a written notification by certified mail to file such request within fourteen days. Any person filing a late request for a permit or inspection shall pay to the Electrical Inspector a delinquent fee in the amount provided in Chapter 6, Article 6. (Ord. 2892, 1984)

**(c) ELECTRICAL CODE**

**4-2-33. National Electrical Code; adopted.**

The 2017 Edition of NFPA 70, National Electrical Code, as published by the National Fire Protection Association, is adopted for the purpose of establishing rules and regulations for the construction, alteration, maintenance and removal of all equipment within or on all buildings,



private or public, within the area of City jurisdiction. Reference to “the National Electrical Code” or “the electrical code” throughout the Municipal Code shall mean this code. Except for those portions specifically excluded or modified by this or other sections of the Municipal Code, the National Electrical Code is adopted in this section by reference. The construction, alteration, maintenance and removal of all electrical equipment shall comply with the National Electrical Code and with additional requirements as are prescribed in this Article. One (1) copy of the National Electrical Code shall be on file in the City Clerk’s office. (Ord 4059, 2011; Ord 4143, 2015; Ord. 4218, 2017)

**4-2-34. Same; branch circuit conductors; other.**

Section 210.19(A4) of the electrical code shall be deemed to be hereby amended to read as if the first sentence thereof had been deleted and there had been inserted in lieu thereof the following sentences:

“Branch circuit conductors supplying loads other than cooking appliances as covered in (b) above and as listed in Section 210.19 shall have an ampacity sufficient for the loads served and shall not be smaller than No. 12 AWG copper. No aluminum conductor smaller than No. 8 AWG shall be used in any electrical installation.” (Ord 3850, 2005)

**4-2-35. Same; changes in existing installations.**

Section 220.16(A)&(B) of the electrical code shall be deemed to be hereby amended to include the following additional subparagraph:

“(3) Other requirements. Anything to the contrary notwithstanding in subparagraphs (1) and (2) of this subparagraph (d) when any additions, alterations, or renewals of existing wiring installations are made, that portion added, altered, or renewed shall be made to conform with all requirements for new building, except that, when more than 50 percent of the lineal footage of the wiring in any building is changed, the entire wiring installation in the building shall be made to conform with all the requirements for new buildings, and that, when more than 50 percent of the lineal footage of any circuit is changed, the circuit shall be made to conform with all the requirements for new buildings. When any part of a wiring installation has been disconnected due to fire, flood, altered by unauthorized persons, nature, calamity, or otherwise becoming a hazard, such installation may not be reconnected without inspection and approval by the Electrical Inspector.” (Ord 3850, 2005)

**4-2-36. Same; service disconnecting means.**

Section 230-70(A)(1) of the electrical code shall be deemed to be hereby amended to include the following additional sentences:

“The service disconnecting means located inside a building shall be located immediately adjacent to and within sight of a walk-in exit door and not within the swinging area of such door. The distance between the disconnecting means and such exit door shall not exceed twelve (12) feet open travel measured from the exit door to the disconnecting means.” (Ord 3850, 2005)

**4-2-37. Repealed.**

## (d) VIOLATIONS; PENALTY

### 4-2-42. Violations; penalty.

A violation of any provision of this Article or the neglect or refusal to comply with any lawful order or notice of the Electrical Inspector made pursuant to the provisions hereof, is a Class II violation. Where the Electrical Inspector shall have notified any person as provided in section 4-2-12 to repair, rearrange or remove electrical equipment within thirty (30) days and such person shall fail to do so, each day which shall elapse after the expiration of such thirty (30) days' time until the order of the Electrical Inspector is fully complied with shall be considered a separate offense. (Ord. 2200, 1976; Ord. 1116)

## ARTICLE 3

### PLUMBING, HEATING

#### (a) GENERAL PROVISIONS

##### Section

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#### (b) DEFINITIONS

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<u>4-3-12</u>	<u>Chimney.</u>
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[4-3-25](#) [Rating, output.](#)  
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**(c) COMPLIANCE WITH STATE LAW; ADOPTION OF CODES; PLUMBING INSPECTOR**

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**(d) PLUMBERS; LICENSING; REGULATION**

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### (f) WATER SUPPLY

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### **(g) SEWERS, DRAINS**

<a href="#">4-3-119</a>	<a href="#">Public sewer; independent connection; required; when.</a>
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### **(h) PLUMBING FIXTURES, ACCOMMODATIONS**

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### **(i) GAS LINES**

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[4-3-150](#) [Natural gas; turning on, off; restrictions.](#)  
4-3-151 to Reserved.  
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#### **(j) HEATING UNITS**

[4-3-155](#) [Gas appliances, accessories; specifications; general.](#)  
4-3-156 to Reserved.  
4-3-159

#### **(k) VIOLATIONS; PENALTY**

[4-3-160](#) [Violations; penalty.](#)

#### **Nebraska Statutes**

**For statutory provisions on plumbing inspection, see R.R.S. § 18-1901 et seq.**

#### **(a) GENERAL PROVISIONS**

##### **4-3-1. Article; scope.**

The provisions of this Article shall apply to all installations and repair of plumbing material and fixtures, gas fittings, devices, appliances, fixture and apparatus, drainage or sewer disposal systems, water softeners, oil heating equipment, liquid petroleum dispensers and storage equipment and refrigerating equipment, hereinafter usually referred to as "plumbing", within or on public or private buildings, structures or premises within the City, or outside the City within the area in respect of which the City has exercised its zoning jurisdiction, for the conveyance of water, waterborne wastes, fuels or gases and their respective disposal systems. (Ord. 30841, 1988)

**4-3-2 to 4-3-6. Reserved.**

#### **(b) DEFINITIONS**

##### **4-3-7. Generally.**

Any of the terms defined in subsequent sections of this Article has the meaning, when used in any Article of this Chapter, which is given the term in the definition in this Article. (Where altitude is involved in determining the meaning of words or phrases, or their derivatives, the altitude shall be considered to be that of the City).

##### **4-3-8. Air for combustion.**

The term "air for combustion" means the amount of air required for safely and properly burning gas at the altitude involved.

##### **4-3-9. Appliance, gas.**

The term “appliance, gas” means a fixture or apparatus manufactured and designed to use natural, manufactured, mixed or other gas as a medium for developing light, heat or power, and including, but not limited to, gas ranges, gas room heaters, gas steam and hot water boilers and gas burners of all kinds, together with any attachments or apparatus designed to be attached to any gas appliance, such as solid tops, pilot lights, governors, regulators, fuel savers and safety devices.

**4-3-10. Appliance, unvented.**

The term “appliance, unvented” means a gas appliance designed or installed in such a manner that the products of combustion are not conveyed directly to a chimney or flue.

**4-3-11. Appliance, vented.**

The term “appliance, vented” means a gas appliance designed and installed in such a manner that all the products of combustion are conveyed directly to an approved chimney or flue.

**4-3-12. Chimney.**

The term “chimney” means a vertical masonry or reinforced concrete shaft enclosing one or more flues designed for the purpose of removing the products of combustion of solid, liquid or gas fuel to the outside atmosphere.

**4-3-13. Combustible material.**

The term “combustible material” means material that will ignite at or above a temperature of seven hundred fifty (750) degrees Fahrenheit and will continue to burn or glow at that temperature.

**4-3-14. Combustible material, protected.**

The term “combustible material, protected” means any protective material conforming to the standards therefor of Underwriters' Laboratories, Inc., and that prevents the temperature of combustible material from exceeding ninety (90) degrees Fahrenheit above normal room temperature.

**4-3-15. Draft hood or draft diverter.**

The term “draft hood” or “draft diverter” means a device attached to or made a part of the vent outlet from an appliance, and designed by the manufacturer of the appliance to:

- (1) ensure the ready escape of the products of combustion, in the event of no draft, backdraft, or stoppage in the vent beyond the draft hood,
- (2) prevent a backdraft from entering the appliance, and
- (3) neutralize the effect of stack action of the flue upon the operation of the appliance.

“Automatic Draft Regulator” is a device attached to or made a part of the vent outlet from an appliance, and designed to govern the effect of stack action of the flue upon the operation of the appliance.

**4-3-16. Flue.**

The term “flue” means a pipe, vertical or nearly so in direction, designed to convey all the products of combustion to the outside atmosphere. “Flue-Type A” means tile or fire clay brick-lined chimney or smoke stacks for all types of fuels. “Flue-Type B” means approved vent piping of noncombustible, corrosion-resistant material of adequate strength and heat insulating value and

having bell and spigot of other acceptable joints. "Flue-Type C" means single wall vent pipe, of a type approved by Underwriters' Laboratories, Inc., or by AGA.

**4-3-17. Gas.**

The term "gas" includes natural, manufactured, mixed gas or liquefied petroleum products.

**4-3-18. Gas service line.**

The term "gas service line" means a pipe and fittings used to convey unmeasured gas from the main to the premises to be supplied, and in general extending underground to a riser that extends above ground at the foundation wall through which the pipe passes.

**4-3-19. Gas service line extension.**

The term "gas service line extension" means all gas pipe and regulators, meter headers and other devices installed inside the premises to connect the end of the gas service line with the fitting to which the inlet piping for the meter installation is to be attached, and containing unmeasured gas.

**4-3-20. Main, gas.**

The term "main, gas" means a portion of the system used for distributing gas, which is designed to supply gas to the service pipes of one or more units, generally is located entirely outside of the premises, and ordinarily lies parallel with the boundary line of the street or alley within which it lies.

**4-3-21. Outlet, gas.**

The term "outlet, gas" means a threaded connection in a house gas piping system to which a gas burning appliance is or may be attached.

**4-3-22. Piping, house gas.**

The term "piping, house gas" means the system of piping, within a structure or a building, that conveys gas from the outlet of the service meter or line to appliances at various places throughout the building, and is entirely exposed. Any outside piping underground that contains measured gas also constitutes house gas piping.

**4-3-23. Purge.**

The term "purge" means to clear of air, water or other foreign substance.

**4-3-24. Rating, input.**

The term "rating, input" means the amount of gas fuel in Btu's per hour that can be safely burned in an appliance at the altitude involved.

**4-3-25. Rating, output.**

The term "rating, output" means the amount of heat in Btu's per hour that an appliance will deliver for useful service when operating at rated input.

**4-3-26. Regulator, gas pressure.**



The term “regulator, gas pressure” means a device that maintains a substantially uniform gas pressure at its outlet.

**4-3-27. Riser.**

The term “riser” means a fuel gas supply pipe that extends vertically.

**4-3-28. Space heater.**

The term “space heater” includes, but is not limited to, gas heating stoves, radiant heaters and room heaters.

**4-3-29. Vent.**

The term “vent” means a pipe designed to convey the products of combustion from an appliance to the outside atmosphere.

**4-3-30 to 4-3-33. Reserved.**

**(c) COMPLIANCE WITH STATE LAW; ADOPTION OF CODES;  
PLUMBING INSPECTOR**

**4-3-34. Plumbing Inspector.**

The City Manager is authorized to designate an employee of the City as Plumbing Inspector. If no employee is so designated, the functions of the Plumbing Inspector as described in the Municipal Code shall be performed by the Planning and Building Official.

**4-3-35. State law; compliance.**

Plumbing installations or other sanitary conveniences shall fully comply with all applicable state laws, rules and regulations now existing or hereafter enacted or adopted. (Ord. 2382, 1978; Ord. 1116)

**4-3-36. Uniform Plumbing Code, adopted; exceptions.**

There is hereby adopted, for the purpose of establishing rules and regulations for the installation and repair of plumbing material and fixtures, appliances and apparatus, drainage or sewer disposal systems, water softeners, dispensers and storage equipment, hereinafter referred to as “plumbing,” that certain plumbing code known as the Uniform Plumbing Code, published and recommended by the International Association of Plumbing and Mechanical Officials, being the 2012 Edition thereof (hereinafter usually referred to as the “Plumbing Code”). One (1) copy of such code is on file in the office of the City Clerk, and such code is hereby adopted and incorporated in this section by reference as fully as if set out at length herein (except such portions thereof as hereinafter are excluded, or adopted with modifications).

Provided, Chapter 1 and sections 604.0 and 720.0 of the Uniform Plumbing Code are hereby excluded from, and shall not be deemed to have been adopted by, this section.

**4-3-37. Uniform Mechanical Code; adopted.**

There is hereby adopted, for the purpose of establishing rules and regulations for the complete installation, maintenance and repair of heating, ventilating, cooling and refrigeration systems, hereinafter referred to as “mechanical plumbing,” that certain mechanical plumbing code known as Uniform Mechanical Code, published and recommended by the International Association of Plumbing and Mechanical Officials, being the 2012 Edition thereof (hereinafter usually referred to as “Mechanical Code”). One (1) copy of such code is on file in the office of the City Clerk, and such code is hereby adopted and incorporated in this section by reference as fully as if set out at length herein (except such portion thereof as hereinafter are excluded, or adopted with modifications). Provided, Chapter 1 of the Uniform Mechanical Code is hereby excluded from, and shall not be deemed to have been adopted by, this section.

**4-3-38. Uniform Solar Energy Code; adopted; exceptions.**

There is hereby adopted, for the purpose of establishing rules and regulations for the complete erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any solar system, hereinafter referred to as “solar energy system,” that certain solar energy code known as the Uniform Solar Energy Code, published and recommended by the International Association of Plumbing and Mechanical Officials, being the 2009 Edition thereof (hereinafter usually referred to as “Solar Code”). One (1) copy of such code is on file in the office of the City Clerk, and such code is hereby adopted and incorporated in this section by reference as fully as if set out at length herein (except such portions as hereinafter are excluded, or are adopted with modifications). Provided, Sections 103.3 through 103.3.5 of Chapter 1 of the Uniform Solar Code are adopted by this Municipal Code, but all other portions of Chapter 1 of the Uniform Solar Code are hereby excluded from and shall not be deemed to have been adopted by this section.

**4-3-39. Same; application; content.**

Section 108 of Uniform Solar Energy Code, 2000 Edition, shall be deemed to be hereby amended to read as follows:

“108. Every applicant for a permit to do work regulated by this Code shall state in writing, on the application form provided for that purpose, the character of work proposed to be done, including such information pertinent thereto as the Code Administrator II may require.”

**4-3-40. Standard codes; references; file.**

All references in this Article to codes or pamphlets are to codes or pamphlets three (3) copies of which are on file in the office of the City Clerk. All of such codes and pamphlets are standard codes. All of such codes and pamphlets are hereby adopted and incorporated in this Article as fully as if set out at length herein. (Ord. 2382, 1978; Ord. 1116)

**4-3-41. Unsanitary plumbing; vacating premises; Plumbing Inspector; power.**

Whenever upon inspection any building or premises, or part thereof, is found unfit for human habitation by reason of defective plumbing, water piping, gas fitting, or drainage system, the Plumbing Inspector may order the vacation of such building, premises or part thereof, and a written or printed order shall be **conspicuously posted on the building or premises, and where practicable a copy shall be served on the owner, agent or occupant of such premises, and it shall be unlawful for any person to fail, neglect or refuse to vacate such premises when so ordered.** (Ord. 2382, 1978; Ord. 1116)

**4-3-42. Excavations; backfilling.**

No concrete rubble, building material wastes, garbage or trash shall be used for backfilling of excavations for water, sewer, or gas lines. The material used shall be thoroughly tamped and packed into place so that no settling will take place. The holder of the building permit and the holder of the excavation permit, if an excavation permit is required, shall maintain the surface over the refilled excavation in a smooth condition for a period of six (6) months from the completion of backfilling. No water, sewer or gas line shall cross another such line unless the trench for the lower line has been excavated, backfilled and tamped back to the satisfaction of the Plumbing Inspector. (Ord. 2382, 1978; Ord. 1116)

**4-3-43. Solar Code; permit; fees.**

The applicant for a permit required under the Solar Code shall pay to the Code Administrator II for each permit, at the time of issuance the fee provided in Chapter 6, Article 6. (Ord. 3796, 2004)

**4-3-44. Same; permit; failure to obtain; delay.**

Any person who shall commence any work for which a permit is required by the Solar code without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this Article for such work; provided, this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Code Administrator II that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In all cases in which failure to procure a permit before commencing work shall be determined by the Code Administrator to be excusable under the foregoing provisions, a permit must be obtained as soon as it is practical to do so and, if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged and paid. (Ord. 2892, 1984; Ord. 3796, 2004)

**4-3-45 to 4-3-49. Reserved.**

**(d) PLUMBERS; LICENSING; REGULATION**

**4-3-50. Plumbing license; required.**

It shall be unlawful for any individual to do any plumbing within the corporate limits of the City, or the area outside the City within which the City has exercised its zoning jurisdiction, unless such individual (1) holds a master plumber's license issued by the City and does the actual installation or repair work, or (2) holds a journeyman plumber's license issued by the City and does the actual installation or repair work under the direct supervision of an individual who holds a master plumber's license issued by the City. It shall be unlawful for any individual, partnership, corporation or other firm engaged in the business of plumbing, or in the doing of plumbing for hire, to cause any plumbing to be done, within the corporate limits of the City or the area outside the City within which the City has exercised its zoning jurisdiction, otherwise than in the manner provided in the next preceding sentence. (Ord. 2445, 1979; Ord. 1116)

**4-3-51. Plumbing contractors; license; required.**

In addition to the requirements and prohibitions prescribed elsewhere in this Article, (1) it shall be unlawful for any individual to engage in the business of plumbing, or to install or repair

plumbing for hire, within the corporate limits of the City or the area outside the City within which the City has exercised its zoning jurisdiction, unless such individual holds a plumbing contractor's license as provided in this Article or does the work as an employee of an individual, partnership, corporation, or other firm, or as a member of a partnership or otherwise unincorporated firm, which holds such a license, and (2) it shall be unlawful for any partnership, corporation or other firm to engage in the business of plumbing, or to cause any plumbing to be installed or repaired for hire, within the corporate limits of the City or the area outside the City within which the City has exercised its zoning jurisdiction, unless such partnership, corporation or other firm holds a plumbing contractor's license as provided in this Article. (Ord. 2445, 1979; Ord. 1116)

**4-3-52. Water utilities; water, sewer mains.**

Anything in sections 4-3-50 or 4-3-51 to the contrary notwithstanding, such sections shall not apply to employees of a water utility acting within the scope of their employment. The construction, repair or replacement of water mains or sanitary sewer mains in the public streets, alleys or other public places of the City pursuant to a contract with the City, or to authorization granted by the City Council, shall not constitute the doing of plumbing, the engaging in the business of plumbing, or the installation or repair of plumbing for hire within the meaning of such sections. (Ord. 2445, 1979; Ord. 1116)

**4-3-53. Same; apprentice plumber; certificate.**

An apprentice plumber holding a certificate issued by the Plumbing Inspector may assist the holder of a master plumber's license in the installation and repair of plumbing, but may not perform the actual installation or repair. Provided, not more than one (1) apprentice plumber may be employed to assist one (1) master plumber, nor may more than one (1) apprentice plumber per journey-man plumber be employed. (Ord. 2445, 1979; Ord. 1116)

**4-3-54. Heating; steam, gas, oil, water fitting; contractor's license; required.**

No individual for hire shall work at the installation, repair or alteration of sheet metal for heating, steam fitting, gas fitting, oil fitting, or water fitting unless he is a plumbing contractor or limited contractor, or is employed by a plumbing contractor or limited contractor, who has a plumbing contractor's license or a limited contractor's license issued by the City. (Ord. 2382, 1978; Ord. 1116)

**4-3-55. Same; unlicensed person; hiring; prohibited.**

It is hereby declared unlawful for any individual contractor or other person to hire anyone not holding the requisite license or certificate for the work involved to supervise the installing units, water softeners, or other fixtures, devices, or appliances designed for connection to the water supply system but not to the sanitary sewer. (Ord. 2382, 1978; Ord. 1116)

**4-3-56. Limited contractor; qualifications.**

A limited contractor shall hold, or shall employ the services of at least one employee holding a license either as a sheet metal for heating worker, steam fitter, gas fitter, oil fitter, or water fitter issued by the City. (Ord. 2382, 1978; Ord. 1116)

**4-3-57. Applications; forms; requirements; general.**

The application for a license or certificate required by this subdivision (d) of this Article shall be made in writing on forms furnished by the Plumbing Inspector, and shall state the date, the name of the applicant, the location of his or her place of business or employment and such other information as the Plumbing Inspector may require. Every such application by a person who does not hold a license as a plumbing contractor or limited contractor shall be signed both by the applicant and by the plumbing contractor or limited contractor by whom he or she is employed. (Ord.4157, 2015)

**4-3-58. Contractor; license; application; bond; fee; expiration.**

A plumbing contractor's license or a limited contractor's license shall be granted to every person, firm, partnership and corporation who is a plumbing contractor or, as the case may be, a limited contractor, and who shall make application to the City Clerk therefor, pass an examination administered by the Plumbing Examining Board, and file with such application, a bond with two (2) or more sureties, or a bond of a surety company to be approved by the City Clerk in the penal sum of two thousand dollars (\$2,000.00), conditioned that such licensee will indemnify and keep harmless the City in case of any accidents or damage arising from negligence or unskillfulness in doing or protecting his or her work, or from any unfinished and/or inadequate work done in pursuance of such license, and that such licensee will restore the street, sidewalk and pavements over all work that they or he might lay and fill all excavations made, so as to leave all streets, sidewalks and pavement in as good condition as they were when found, and will maintain the same to the satisfaction of the City Manager or the designee of the City Manager for the period of six (6) months thereafter. The annual fee for plumbing contractor's license or limited contractor's license in the City shall be twenty five dollars (\$25.00), and shall be due and payable to the City Clerk on or before the first day of May of each calendar year. Such license shall be for one year or any fraction thereof expiring on April 30<sup>th</sup>. (Ord.4157, 2015)

**4-3-59. Master plumber; license; application; qualifications; proof.**

Applications for a master plumber's license must have had, in the first instance, passed an examination administered by the Plumbing Examining Board and have had, at least three (3) years' actual experience as a licensed journeyman plumber, and shall present documentary proof thereof in the form of letters or affidavits from employers, or former employers or such other qualified persons attesting to such fact. Following issuance of a provisional master plumber's license as provided in this Article, an applicant for a final master plumber's license must, as a condition to qualifying for the issuance of such a license to him or her, have had one (1) year's actual experience as a provisionally licensed master plumber. (Ord. 2900, 1985; Ord. 4157, 2015)

**4-3-60. Journeyman plumber; license; application; qualifications; proof.**

Applicants for a journeyman plumber's license must have passed an examination administered by the Plumbing Examining Board and have had at least three (3) years' actual experience as a plumber's apprentice or plumber's helper, and shall present documentary proof thereof in the form of letters or affidavits from employers or former employers or such other qualified persons attesting to such fact. (Ord. 2382, 1978; Ord. 1116; Ord. 4157, 2015)

**4-3-61. Apprentice plumber; certificate; application.**

Applicants for an apprentice plumber's certificate shall, on filing of application and having passed an examination administered by the Plumbing Examining Board, then will be issued a certificate by the Plumbing Inspector, who shall record the name and date of issuance of the certificate. (Ord. 2382, 1978; Ord. 1116; Ord. 4157, 2015)

**4-3-62. Sheet metal for heating worker; license; application; qualifications; proof.**

Applicants for a sheet metal for heating worker's license must have had three (3) years' actual experience in the installation of sheet metal for heating units and appliances, and shall present documentary proof thereof in the form of letters or affidavits from employers or former employers or such other qualified persons attesting to such fact. (Ord. 2382, 1978; Ord. 1116)

**4-3-63. Repealed.**

**4-3-64. Gas fitter; license; application; qualifications.**

Applicants for a gas fitter's license shall have had three (3) years' actual experience in gas fitting under the supervision of a licensed plumber or licensed gas fitter; shall have a comprehensive knowledge of the application and use of natural gas, liquefied petroleum gas, and manufactured gases; shall be familiar with the approved standard fixtures and appliances for consuming these gases; and shall be familiar with and thoroughly understand the recommended methods of installation of such fixtures and appliances as provided in Pamphlet No. 54, dated 1984, of the National Board of Fire Underwriters. (Ord. 3006, 1986)

**4-3-65. Repealed.**

**4-3-66. Water fitter; license; application; qualifications; proof.**

Applicants for a water fitter's license shall have had at least two (2) years' experience in the installation of water pipes, or have been an apprentice plumber for at least two (2) years; shall present documentary proof of such fact in the form of letters or affidavit from the employer or former employers, or other qualified persons; and shall pass an examination by the Plumbing Examining Board showing that the applicant has a thorough knowledge of safety requirements and precautions. (Ord. 3722, 2002)

**4-3-67. Examination; time; place; nature.**

The Plumbing Examining Board shall conduct examinations upon receipt of an application as required by this Article from time to time at such time and place as the Board may designate, but no applicant shall be compelled to wait more than thirty (30) days following presentation of the application. Such Board shall propound such examinations to each applicant as will ascertain his or her knowledge of plumbing, gas fitting, house drainage, plumbing ventilation, sheet metal work for heating, water fitting and related subjects, as the case may be and, if satisfied of the competency of such applicant, shall thereupon issue a master plumber's, journeyman plumber's, sheet metal for heating worker's, gas fitter's, or water fitter's license, as the case may be, authorizing such applicant to engage in the calling or trade for which he or she has made application. (Ord. 4157, 2015)

**4-3-68. Examination; failure to pass; reexamination.**

When an applicant fails to pass an examination designated or required by the Plumbing Inspector, he or she shall be permitted to resubmit his or her application six (6) months after date of the examination failed. An applicant may resubmit his or her application as often as desired, but in no event in a shorter period than six (6) months after the examination failed.

**4-3-69. Licenses; issuance; renewal.**

The licenses for which provisions are made in the preceding sections of this subdivision (d) of this Article shall be issued upon the recommendation of the Plumbing Examining Board. All original and all renewal licenses may be renewed at the dates of their expiration. Renewal licenses shall be granted without a reexamination. Upon a written application of the licensee filed with the Board, showing that his or her purposes and qualifications remain unchanged, unless it is made to appear by affidavit before the Board that the applicant is no longer competent, or otherwise entitled to such renewal license, in which event the renewal license shall not be granted until the applicant has undergone the examination herein above required. Provided, issuance of master plumber licenses shall also be subject to the provisions of this Article, which shall govern the issuance of such licenses in any respects in which such provisions are inconsistent with the provisions of this section. (Ord. 4157, 2015)

**4-3-70. Same; master plumbers.**

Only a provisional master plumber's license may be issued, in the first instance, to applicants for a master plumber's license (other than applicants holding a master plumber's license) who the Plumbing Examining Board shall determine to have had the experience specified in the first sentence of section 4-3-59. The term of such a license shall be thirteen (13) months, and such a license shall not be subject to renewal. After one (1) year following issuance of such a license, the holder of the license may apply to the Board for a final master plumber's license. If the Board shall determine that throughout such year the holder complied with all requirements of this Article pertaining to work which may be done by a master plumber, and the applicant has passed an examination administered by the Plumbing Examining Board, then the Board shall authorize the issuance of a final master plumber's license to such holder; otherwise, it shall deny the application. A final master plumber's license shall expire on April 1<sup>st</sup> of each year, and shall require renewal as provided in this Article. (Ord. 2900, 1985; Ord. 4157, 2015)

**4-3-71. Same; fees.**

At the time of filing an application for a provisional master plumber's license. The applicant shall pay to the City Clerk an examination fee and a license fee in the amounts provided in Chapter 6, Article 6. At the time of filing an application for a license as a journeyman plumber, sheet metal for heating worker, steam fitter, gas fitter, oil fitter or water fitter, applicant shall pay to the City Clerk an examination fee and a license fee in the amounts provided in Chapter 6, Article 6. The fee for renewal of master plumber's licenses and for renewal of licenses for journeyman plumbers, sheet metal for heating workers, steam fitter, gas fitters, oil fitters and water fitters shall be as provided in Chapter 6, Article 6. Renewal fees shall be due on or before the anniversary of the date of issuance of the existing license. No additional fee shall be payable for a final master plumber's license. (Ord. 3025, 1987)

**4-3-72. Plumber's license; scope; effect.**

A master plumber's license or journeyman plumber's license shall authorize such licensee to engage in the calling or trade of plumber as an artisan to place, replace, install, construct or reconstruct pipes, fittings fixtures or other materials connected with the business of plumbing, intended for the conveying of water, waterborne wastes, fuels or gases. (Ord. 2382, 1978; Ord. 1116)

**4-3-73. Sheet metal for heating workers license; scope; effect.**

A sheet metal for heating worker's license shall authorize the holder thereof to construct or install sheet metal conductors for heat distribution and venting of heating equipment in accordance with applicable sections of this Article. (Ord. 2382, 1978; Ord. 1116)

**4-3-74. Steam fitter's license; scope; effect.**

A steam fitter's license shall authorize the holder thereof to engage in the work of installing steam generating equipment for heating and commercial uses in accordance with the applicable sections of this Article. (Ord. 2382, 1978; Ord. 1116)

**4-3-75. Gas fitter's license: scope; effect.**

A gas fitter's license shall authorize the holder thereof to engage in the work of installing piping for the transmission of natural gas and gas consuming appliances in accordance with the applicable provisions of this Article. (Ord. 2382, 1978; Ord. 1116)

**4-3-76. Oil fitter's license; scope; effect.**

An oil fitter's license shall authorize the holder thereof to engage in the work of installing oil or liquid fuel burning equipment and appurtenant storage facilities and appliances in accordance with the applicable provisions of this Article. (Ord. 2382, 1978; Ord. 1116)

**4-3-77. Water fitter's license; scope; effect.**

A water fitter's license shall authorize the holder thereof to engage in the work of installing water softeners or other fixtures, devices or appliances designed for connection to the water supply system but not to the sanitary sewer, in accordance with the applicable provisions of this Article. Provided, such license shall not authorize the holder to change any piping that is not directly connected to the fixture, device or appliance being installed. (Ord. 2382, 1978; Ord. 1116)

**4-3-78. Licenses; certificates; revocation.**

Any plumbing license or certificate issued by the City Clerk upon recommendation of the Plumbing Examining Board may be revoked by the Plumbing Examining Board as provided in the applicable statutes of Nebraska. A judgment of conviction of violation of any of the provisions, conditions, terms, rules, regulations or requirements of this Article, or of the provisions of the municipal code relating to excavations in streets, alleys, parkways or other public places or grounds, may constitute grounds for such revocation. (Ord. 2445, 1979; Ord. 1116)



**4-3-79. Plumbing signs; restrictions.**

It shall be unlawful for any person to display or expose the sign "PLUMBING" or "PLUMBER," or a sign containing words of similar import and meaning, unless such person be duly licensed by the City in accordance with this subdivision (b) of this Article. (Ord. 2382, 1978; Ord. 1116)

**4-3-80. Lawn sprinkler systems; vacuum breaker.**

It shall be unlawful for any person not holding a plumber's license required under this Article to construct, install or repair a vacuum breaker in the water supply line of a lawn sprinkler system which is subject to the requirements of this Article, or that part of the water supply line leading to such vacuum breaker. (Ord. 3084, 1988)

**4-3-81 to 4-3-84. Reserved.**

**(e) CONSTRUCTION PERMITS,  
INSPECTION**

**4-3-85. Construction; repair; permit; required; exceptions.**

Every person, prior to beginning or performing any work in the construction, reconstruction or alteration of any plumbing, gas fitting, steam fitting, oil fitting, sheet metal work for heating or appliances, or house drainage system, or systems of pipes for the conveyance of water, waterborne waste, fuel or gases in any building, or installing any water softener, or constructing, altering or repairing any septic tank, sewer or drain for the conveyance or disposal of sewage or waste liquids on any premises, shall first secure from the Plumbing Inspector a permit therefor. Provided, no permit shall be required for the removal of any stoppage in soil or waste pipes, or for replacing broken or damaged fixtures, traps and piping which conform to the requirements of this Article, and where such replacement fixtures, traps and piping are in good serviceable and sanitary condition, nor for the replacing of traps in soil or waste pipes. (Ord. 2382, 1978; Ord. 1116)

**4-3-86. Same; application.**

Application for a permit to install, change or alter any plumbing, gas, steam fittings, oil fittings and sheet metal for heating appliances, or apparatus or sewage disposal systems shall be made in writing upon forms furnished by the Plumbing Inspector. The application shall describe the location of the proposed work, with a drawing or diagram thereon or attached thereto. The Plumbing Inspector shall examine every such application and plans, drawings or diagrams for compliance with the provisions of this Article before issuance of a permit. (Ord. 2382, 1978; Ord. 1116)

**4-3-87. Permit; posting; required.**

The permit shall be posted by the person obtaining it in a conspicuous place on the building or premises wherein the work is being done, until completion of the work. (Ord. 2382, 1978; Ord. 1116)

**4-3-88. Deviation; prohibited.**

No deviation shall be made in the details of the work as shown by the application for permit, except with written permission in writing by the Plumbing Inspector. (Ord. 2382, 1978; Ord. 1116)

**4-3-89. Inspection; notice to Plumbing Inspector; leaving work open; time of inspection.**

When work is ready for inspection, the Plumbing Inspector shall be notified in writing or by phone, and it shall be the duty of the plumbing contractor, limited contractor or person in charge to see that all work is left open until inspected and approved. The Plumbing Inspector shall complete inspection of work by the close of the working day of the department following the day on which the department has been notified that such work is ready for inspection. (Ord. 2382, 1978; Ord. 1116)

**4-3-90. Tests; required; by whom; presence of Inspector.**

It shall be the duty of the plumbing contractor, limited contractor or person in charge to test, in the manner hereinafter provided and in the presence of the Plumbing Inspector, all soil, waste, vent, water, steam gas and oil pipes, all sheet metal work for heating, and the fittings in connection therewith. (Ord. 2382, 1978; Ord. 1116)

**4-3-91. Tests; specifications.**

All plumbing, gas fitting, steam fitting, oil fitting, sheet metal work for heating and house drainage work shall be tested and meet a test as follows:

- (1) for water system, shall hold city water pressure for a period of twenty (20) minutes without leaking,
- (2) for house drainage systems within and under all buildings or structures, shall hold a cold water pressure of not less than four (4) pounds per square inch for a period of twenty (20) minutes without leaking, or an air pressure of ten (10) pounds on an approved type gauge for twenty (20) minutes,
- (3) for natural gas fitting, the system shall hold an air pressure of twenty (20) pounds on an approved type gauge for a period of twenty (20) minutes,
- (4) for liquefied petroleum (LP) gas fitting and all other manufactured gases for domestic and commercial uses, in strict accordance with the applicable manual for approved installation contained in Pamphlet No. 58. dated 1995, of the National Fire Protection Association,
- (5) for steam fitting, the system shall hold cold water under city water main pressure without leaking for a period of twenty (20) minutes,
- (6) for oil fitting or liquid petroleum products, the system shall hold an air pressure of twenty (20) pounds on an approved type gauge for a period of twenty (20) minutes,
- (7) for gas piping and venting, the system shall comply with the standards of installation contained in the 2012 National Fuel Gas Code of the National Fire Protection Association,
- (8) for heating, ventilating and cooling installations, the system shall comply with the standards of installation contained in the Uniform Mechanical Code, dated 2009, of the International Association of Plumbing and Mechanical Officials, and
- (9) as further set out in subdivision (i) of this Article, water for conducting tests will be “jumped” at the meter loop by a suitable hose connection or union coupled connection from the house service line to the house distribution system. After the tests have been completed, the plumbing contractor, limited contractor or his or her workmen in charge shall turn the water off at the curb cock and disconnect the “jumper” connection in the presence of the Plumbing Inspector.

An approved type air gauge shall not exceed fifty (50) pounds capacity and shall be graduated in not to exceed two (2) pounds increments. All gauges may be subjected to inspection and tests by the Plumbing Inspector when there is any doubt as to the accuracy of such gauge. A fire test of gas fittings is prohibited under any circumstances.

**4-3-92. Inspection; results; notice.**

If upon inspection the Plumbing Inspector finds the work or material used is not in accordance with the provisions of this Article, he or she shall notify the person doing the work in writing or by posting written notice upon the premises. If the work is found to be satisfactory by the Plumbing Inspector, he or she shall so inform the workman in charge and shall place a notice of approval (tag) showing the date of such inspection on the premises. (Ord. 2382, 1978; Ord. 1116)

**4-3-93. Final inspection; notice to inspector; final test.**

When the work is completed and all fixtures set, the Plumbing Inspector must be notified that the work is ready for final inspection, and the Plumbing Inspector may require a final test. (Ord. 2382, 1978; Ord. 1116)

**4-3-94. Final inspection; certificate; effect; unsatisfactory work; condemnation.**

Upon final approval of the work by the Plumbing Inspector, and payment of inspection fees, a final certificate of inspection may be issued by the Plumbing Inspector. Plumbing, gas fitting, steam fitting, oil fitting, or sheet metal work for heating that has not had final inspection and a certificate issued on the same shall be subject to condemnation in whole or in part, so far as it is found not in conformity with the provisions of this Article. (Ord. 2382, 1978; Ord. 1116)

**4-3-95. Inspection fees; amounts.**

The Plumbing Inspector shall, prior to the issuance of each plumbing permit, collect from the plumbing contractor or limited contractor inspection fees as provided in Chapter 6, Article 6. (Ord. 3006, 1986)

**4-3-96. Permit; inspections; failure to request; notice; delinquent fee.**

In the event the Plumbing Inspector shall determine that construction for which a prior permit or an inspection was required by any provision of this Article has occurred without an application therefor in the manner required by such provisions having been made, the Plumbing Inspector shall in writing notify the owner(s) and, if the premises are in the possession of or occupied by another, shall also notify the latter, of such determination, and that such person(s) shall, within fourteen (14) days after service of such notice, file the required application and pay to the Plumbing Inspector the fee required, under such provisions of this Article, to be paid in connection with such an application, together with a delinquent fee in the amount provided in Chapter 6, Article 6. The Plumbing Inspector shall cause such notice to be served either personally or by certified mail addressed to the last known residence address of the person(s) upon whom the notice is to be served; and service by such mail shall be complete upon deposit of the envelope containing the notice in the United States Post Office. (Ord. 3006, 1986)

**4-3-97. Lawn sprinkling system; requirements.**

The new construction or installation, in whole or in part, after June 27, 1988 of any lawn sprinkler system which is, or is to be, connected to the City's potable water supply system shall comply with the requirements of Section 603.0 - Cross Connection Control of the Uniform Plumbing Code adopted by the Municipal Code, and with all of the other sections of the Municipal Code. (Ord. 3532, 1997)

**4-3-98. Same; construction, installation; permit; fee.**

Every person, prior to commencing new construction or installation, in whole or in part, of a lawn sprinkler system which is, or is to be, connected as provided in section 4-3-97 shall obtain a permit therefor from the Plumbing Inspector. The application therefor shall be made in writing upon forms furnished by the Plumbing Inspector. A fee in the amount provided in Chapter 6, Article 6, which shall not be refundable, shall be paid at the time of filing the application; the fee shall be payable to the City Clerk, but shall be collected by the Plumbing Inspector. (Ord. 3084, 1988)

**4-3-99. Same; inspections; notice; fees.**

The provisions of sections 4-3-89, 4-3-95 and 4-3-96 shall apply, as well, to the construction or installation of lawn sprinkler systems, or parts thereof, which are subject to section 4-3-97. (Ord. 3084, 1988)

**4-3-100 to 4-3-104. Reserved.**

**(f) WATER SUPPLY**

**4-3-105. Service line; depth; protection from freezing.**

All service pipe from the curb box to the building shall be laid not less than four and one-half (4 ½) feet below the surface of the ground. In all cases service lines must be so protected as to prevent rupture from freezing. (Ord. 2382, 1978; Ord. 1116)

**4-3-106. Same; distance from sewer.**

All water service lines shall be installed so as to be at least five (5) feet away from sewer lines, unless this distance is impractical, in which case the plumber shall obtain from the Plumbing Inspector a written waiver of the requirement. (Ord. 2382, 1978; Ord. 1116)

**4-3-107. Same; material.**

Service pipes:

(1) from the water main to the meter or valve within the building shall be not less than one inch outside diameter and shall be made of Type K copper, cast iron, or Polyethylene CTS200PSI-D2737 (AWWA C901).

(2) from the meter or valve within the building shall be brass pipe, copper tube or copper pipe, galvanized iron pipe or galvanized steel pipe or PEX, which must meet ASTM standard F876/877. (Ord. 3642, 2000)

**4-3-108. Meter pits; specifications.**

All meter pits shall be constructed at a point near the property line and shall be of a design approved by the Plumbing Inspector. (Ord. 2382, 1978; Ord. 1116)

**4-3-109. Water meters; location; position.**

Water meters shall be installed in a basement, utility room, or meter pit. All water meters shall be installed in a horizontal position not less than nine (9) inches above the floor, and in a location that is and will remain easily accessible to the water meter reader and for meter repair. (Ord. 2382, 1978; Ord. 1116)

**4-3-110. Pipes, inside buildings; grade; stop, waste valves.**

All water pipes in buildings shall be graded so as to drain at the lowest point; and a stop and-waste valve shall be installed in an accessible place. (Ord. 2382, 1978; Ord. 1116)

**4-3-111. Same; bends; offsets; copper pipe.**

All bends and offsets in copper pipe shall be made so as to leave a full-sized opening, and care shall be taken not to materially weaken any portion of the pipe bendings. (Ord. 2382, 1978; Ord. 1116)

**4-3-112. Plumbing fixtures, appliances; water supply.**

Branch lines to plumbing fixtures or appliances shall not be smaller than the inlets of the fixtures or appliances to which they are connected. (Ord. 2382, 1978; Ord. 1116)

**4-3-113. Private well; standards.**

All private wells shall comply with standards promulgated by the State Health Department. (Ord. 2382, 1978; Ord. 1116) After the effective date of this Ordinance, no person shall install a private well without first obtaining a permit from the City. No permit shall be granted unless the applicant demonstrates that the proposed private well is not located within one thousand feet (1,000) of any of the City's existing wells or well systems. (Ord 3670, 2001)

**4-3-114. Public Water Wells; Wellhead Protection; Encroachments.**

Facilities that are likely hazards to the safety of drinking water or that could have a substantial impact on a system shall meet the separation requirements set forth in Title 179 of the Nebraska Department of Health and Human Services, Regulations Governing Public Water Systems. The following facilities must be located beyond the specified minimum horizontal separation distances from a public water well.

<u>Category</u>	<u>Distance in Feet</u>
Water Well	1,000
Sewage Lagoon	1,000
Land application of municipal/industrial waste material	1,000
Feedlot or Feedlot Runoff	1,000
Underground disposal system (septic system, cesspool, etc)	500
Corral	500
Pit Toilet / Vault Toilet	500
Wastewater Holding Tanks	500
Sanitary Landfill / Dump	500

Chemical or Petroleum Product Storage	500
Sewage Treatment Plant	500
Sewage Wet Well	500
Sanitary Sewer Connection	100
Sanitary Sewer Manhole	100
Sanitary Sewer Line	50

**4-3-115. Same; Existing Facilities within Wellhead Protection Area.**

Existing facilities within the distance separation requirements for wellhead protection will be allowed to continue at their current location. If the existing facility would close for over 90 days, the pre-existing right is permanently lost and the facility shall comply with distance requirements established in Section 4-3-114.

**4-3-116. Same; Monitoring or Dewatering Wells within the Wellhead Protection Area.**

Any monitoring or dewatering well drilled within the wellhead protection area shall be installed and decommissioned in a manner that meet standards set forth in the Nebraska Department of Health and Human Services, Regulations Governing Water Well Construction, Pump Installation and Water Well Decommissioning Standards, Title 178, and the Nebraska Department of Health and Human Services, Regulations Governing Public Water Systems, Title 179.

**4-3-117 to 4-3-118. Reserved.**

**(g) SEWERS, DRAINS**

**4-3-119. Public sewer; independent connection; required; when.**

The plumbing and drainage system of each new building, and of new work installed in an existing building or premises, shall, except as hereinafter provided, have an independent connection with a public sewer if such a sewer exists in the street or alley upon which the property abuts. (Ord. 2382, 1978; Ord. 1116)

**4-3-120. Same; common lateral; permit; when.**

When approved by the Plumbing Inspector, more than one house or other building situated on the same premises may be connected to the same lateral, providing each connection is to a wye (Y). In the event of a subsequent subdivision of the premises into two or more tracts, whether by a recorded plat, a deed or a contract to sell,

(1) the permit shall expire on the date of such plat, deed or contract, and the permit shall so state, and

(2) all connections in excess of one to the lateral shall be removed and connection(s) of the houses or other buildings to separate lateral(s) shall be installed by the owner(s), upon receiving a permit therefor from the Plumbing Inspector, within thirty (30) days after the date of the plat, deed or contract. (Ord. 2418, 1978; Ord. 1116)

**4-3-121. Same; permit; application; agreement.**

The application for a permit to connect more than one house or other building situated on the same premises to the same lateral shall be in writing, and shall include a drawing of the connection(s)

existing and proposed and such other information as the Plumbing Inspector shall require. The application shall be accompanied by

(1) a written agreement with the City of Scottsbluff, Nebraska - in recordable and otherwise in such form as the Plumbing Inspector shall prescribe, and signed and acknowledged by the owner(s) of record (and contract purchasers, if any) of the premises on which the connection(s) is (are) to be made - wherein such owner(s) covenant(s), on behalf, also, of all successors in interest to the premises, or any part thereof, that, upon a subdivision of the property, all connections will be removed and re-connected as provided in this Article, and

(2) the amount of the fee chargeable by the Register of Deeds for recording the agreement. The Plumbing Inspector shall cause such agreement to be recorded with the Register of Deeds forthwith after issuing the permit. (Ord. 2418, 1978; Ord. 1116)

**4-3-122. Junction wye (Y); connection.**

If the sewer main contains a proper junction wye (Y), the private sewer line shall be connected to such wye (Y). (Ord. 2382, 1978; Ord. 1116)

**4-3-123. Tap; permit: required.**

The sewer main shall not be tapped except upon written permission of the Plumbing Inspector. Such permission may be granted in event a proper junction wye (Y) on the sewer main is not available. (Ord. 2382, 1978; Ord. 1116)

**4-3-124. Same; specifications; presence, Plumbing Inspector.**

Taps of the main sewer, when permitted, shall be made by using an approved wye (Y) saddle. Taps of right angles to the direction of flow are prohibited. All taps shall be made in the presence of the Plumbing Inspector. (Ord. 2382, 1978; Ord. 1116)

**4-3-125. Sewer pipe; location; grade.**

Sewer pipes shall be run as directly as possible and shall have a fall of at least one-eighth (1/8) inch to the foot. Where sewer pipe runs under a sidewalk, it shall be at least two (2) feet below the sidewalk. Sewer and drains of greater depth than ten (10) feet may run up to grade within three (3) feet at the property line, and, where the property line is some distance above the grade of the street, one-eighth (1/8) bends may be used. It shall not be necessary to lay sewer pipes deeper than two (2) feet from the surface: provided a fall of one-eighth (1/8) inch to the foot can be obtained. (Ord. 2382, 1978; Ord. 1116)

**4-3-126. Same; materials.**

All sewer pipes under a building shall be cast iron, Schedule 40, Type 1, poly vinyl chloride meeting standard specification A.S.T.M. D-2665-78 or acrylonitrile butadiene styrene meeting standard specification A.S.T.M. D-2662-78. Poly vinyl chloride sewer pipe may also be used in the right-of-way of any public or private street, alley or way meeting specification A.S.T.M. D-3034.81. (Ord. 2763, 1982)

**4-3-127. Same; diameter.**

All sewer pipe, except common laterals and branch sewer pipe. from the sewer main to the stub from the building shall be at least four (4) inches in diameter. Common laterals shall be not less

than six (6) inches in diameter, and branch sewer pipe shall be not less than three (3) inches in diameter. (Ord. 2382, 1978; Ord. 1116)

**4-3-128. Waste, vent piping; soil stacks; materials.**

All waste pipes, soil stacks and vent pipes shall be cast iron, soil stacks and vent pipes shall be cast iron, copper, galvanized steel or Schedule 40, Type 1, poly vinyl chloride meeting standard specification A.S.T.M. D-2665-78; or acrylonitrile butadiene styrene meeting standard specification A.S.T.M. D-2662-78. (Ord. 2763, 1982)

**4-3-129. Same; support.**

All waste pipes, soil stacks and vent pipes shall be properly supported . (Ord. 2382, 1978; Ord. 1116)

**4-3-130. Roof drains; mud traps.**

No rainwater leaders, roof drains or mud interceptor (traps) shall be connected to a sanitary sewer: provided, if a storm sewer is not available to which a satisfactory connection of a mud interceptor (trap) could be made, a special permit to connect a mud interceptor (trap) to a sanitary sewer may be issued by the Plumbing Inspector if he finds that the waste to be drained through the mud interceptor (trap) will not interfere with, or cause problems with respect to, the operation of the City's sewer system. A permit to connect a mud interceptor (trap) to a sanitary sewer, if issued, may contain reasonable restrictions concerning use of the mud interceptor (trap). (Ord. 2382, 1978; Ord. 1116)

**4-3-131. Mud traps; use.**

It shall be unlawful for any person to place in any mud interceptor (trap) connected to a sanitary sewer of the City any material other than mud and water resulting from the washing of vehicles. (Ord. 2382, 1978; Ord. 1116)

**4-3-132 to 4-3-135. Reserved.**

**(h) PLUMBING FIXTURES, ACCOMMODATIONS**

**4-3-136. Wooden sinks, wash trays, bathtubs; prohibited; exceptions; permit.**

Wooden sinks, wash trays and bathtubs are hereby prohibited in any building; provided, wooden sinks or vats may be used by engravers, battery stations and photographers in work in which strong acids are used, upon obtaining a special permit from the Plumbing Inspector. (Ord. 2382, 1978; Ord. 1116)

**4-3-137. Ventilation; required; specifications.**

No plumbing fixture shall be installed in any room or compartment which does not contain a window, opening on a street, yard, court or vent shaft, or which is not otherwise provided with proper ventilation by means of a local vent pipe. Fan exhaust systems of ventilation serving toilet and/or urinal rooms shall be so designed and operated as to provide a complete change of air in not to exceed five (5) minutes. Local vent pipes serving toilet or urinal rooms or compartments shall be constructed of sheet metal and have not less than thirty-six (36) square inches of



cross-sectional area, and shall extend from the ceiling to and above the roof, or terminate not less than ten (10) feet from any door, window, or other opening in a building that is used for ventilation purposes or as a means of fresh air supply. (Ord. 2382, 1978; Ord. 1116)

**4-3-138 to 4-3-141. Reserved.**

#### **(i) GAS LINES**

**4-3-142. Main-to-curb lines; installation; by whom.**

All main-to-curb lines shall be installed by the gas company. (Ord. 2382, 1978; Ord. § 1116)

**4-3-143. Service line; installation; testing; inspection; by whom.**

Service lines shall be installed by a licensed plumber or gas fitter. They shall be tested and inspected by the Plumbing Inspector. (Ord. 2382, 1978; Ord. 1116)

**4-3-144. Same; location.**

Service lines leading from the property line to the meter location shall be buried to a depth of not less than twenty-four (24) inches and at a distance of at least thirty-six (36) inches from any existing ditch or ditches. The point at which a service line enters a building must be above the finished grade. Service lines shall be installed in a location permitting proper location of the gas meter. The locations of service lines and meters shall be selected by the gas company. (Ord. 2382, 1978; Ord. 1116)

**4-3-145. Same; material; construction.**

Service line pipe shall be black malleable iron pipe not less than one and one-fourth (1 1/4) inch in diameter, and mill-wrapped with wrapping that, as determined by the Plumbing Inspector, will afford proper protection. In the alternative, service line pipe may be polyethylene pipe which meets or exceeds all requirements set forth in ASTM D2513.

Where laid on the surface of the ground, or beneath the surface of ground over which is to be poured concrete or similar material, the service line pipe shall be enclosed in tile or steel pipe ducts. (Ord. 3532, 1997)

**4-3-146. Exposed lines, devices; protection.**

Gas lines installed above ground outside a building, or that are exposed to unusually damp conditions, shall be coated or wrapped with a protective covering approved by the Plumbing Inspector. (Ord. 2382, 1978; Ord. 1116)

**4-3-147. House gas piping; material.**

All house gas piping shall be black malleable iron or corrugated stainless steel tubing, except that nonferrous metal pipe may be used to connect a built-in gas appliance with the stop cock on the service line, if authorized in writing by the Plumbing Inspector, and A.G.A. rated and approved pipe may be used to connect a gas appliance. Rubber hose connections shall not be used except for intermittently used appliances such as Bunsen-type laboratory burners. (Ord. 3223, 1992)

**4-3-148. Same; fittings; stop cocks.**

No bushings or cast iron fittings, except cast-iron body stop cocks, may be used. No cement of any kind shall be used to repair faulty fittings. Provisions shall not be made for rubber hose connections, except for intermittently used appliances, such as Bunsen-type laboratory burners. Unions shall not be used in any lines, except to connect appliances, for which purpose the union shall be placed between the valve above the floor and the appliance. Right and left couplings shall be used in connecting lines. All gas appliances shall have a stop cock on the connection one (1) inch above the floor and not more than five (5) feet from the appliance. Pipe joint cement may be used on male threads only. (Ord. 2382, 1978; Ord. 1116)

**4-3-149. Gas pipes; concealed; inside flue; prohibited.**

No gas pipes shall be concealed or shall run up or through any flue. (Ord. 2382, 1978; Ord. 1116)

**4-3-150. Natural gas; turning on, off; restrictions.**

Gas service shall not be turned on or off at the meter except by an employee of the gas company. (Ord. 2382, 1978; Ord. 1116)

**4-3-151 to 4-3-154. Reserved.**

**(j) HEATING UNITS**

**4-3-155. Gas appliances, accessories; specifications; general.**

Every gas appliance and accessory shall have an input rating for high altitude operation, established by a testing laboratory approved by the Plumbing Inspector, that is not less than the gas supply, and shall otherwise comply with applicable American Standard Approval or Listing Requirements covering safe operation, construction and performance. Every gas appliance and accessory shall bear the label of a nationally recognized testing agency, such as American Gas Association. (Ord. 2382, 1978; Ord. 1116)

**4-3-156 to 4-3-159. Reserved.**

**(k) VIOLATIONS; PENALTY**

**4-3-160. Violations; penalty.**

A violation of any provision of this Article is a Class II violation. Each day's failure, neglect or refusal to comply with such provisions shall be deemed a separate and distinct offense.

**ARTICLE 4**

**PUBLIC SERVICE EQUIPMENT**

## **Section**

<a href="#">4-4-1</a>	<a href="#">Gas mains, pipelines; location.</a>
<a href="#">4-4-2</a>	<a href="#">Same; construction; permit.</a>
<a href="#">4-4-3</a>	<a href="#">Same; installation; authority.</a>
<a href="#">4-4-4</a>	<a href="#">Same; removal; relocation; authority; notice.</a>
<a href="#">4-4-5</a>	<a href="#">Poles; wires; construction; Electrical Inspector; Authority</a>
<a href="#">4-4-6</a>	<a href="#">Violations; penalty.</a>

### **4-4-1. Gas mains; pipelines; location.**

All gas mains, pipelines and all appurtenances thereto of public service companies shall be constructed in such manner that they will not interfere with the water system, the sewer system, or the wires, lines, equipment or any apparatus on the poles and arms of any public utility located on the same street or alley, or with travel through the streets and alleys of the City, or with buildings now erected or that hereafter may be erected. No gas mains or pipelines shall be laid in the same trench with the water or sewer pipes in any street, alley or public grounds in the City, or nearer than three (3) feet to any water or sewer pipe. They shall be confined to alleys where possible. (Ord. 1116)

### **4-4-2. Same; construction; permit.**

Gas mains, pipelines and all appurtenances thereto of public service companies shall be erected or located over, upon or under the streets, alleys and common grounds, or elsewhere, within the City only after application shall have been made to the City Manager or the designee of the City Manager, and permission in writing so to do shall have been granted by the City Manager or his designee. (Ord. 1116)

### **4-4-3. Same; installation; authority.**

Gas mains, pipelines and appurtenances thereto shall be installed at such places and in such manner as the City Manager or the designee of the City manager shall designate. (Ord. 1116)

### **4-4-4. Same; removal; relocation; authority; notice.**

Whenever it becomes necessary for the City to use the ground where gas mains, pipelines and appurtenances thereto are located, or whenever reasonable means of ingress or egress to private or public property or the public safety or convenience requires the relocation of gas mains, pipelines or other appurtenances that occupy any portion of the public street or alley from lot line to lot line, the City Manager or another City employee designated by the City Manager shall notify the public service company or companies or their agents, at Scottsbluff, Nebraska, to remove such gas mains, pipelines or appurtenances, and shall designate some place as close as possible where they may be reset or placed. Such public service company or companies shall, within twenty-four (24) hours after receiving such notice, cause such gas mains, pipelines or appurtenances to be removed. Provided, nothing in this Article shall abridge, modify or nullify the provisions of any franchise, resolution or ordinance relating to public service companies. (Ord. 1116)

### **4-4-5. Poles; wires; construction; Electrical Inspector; authority.**

The provisions of this Article, in so far as they are relevant, shall apply also to the erection, location, placing, setting, moving, relocating, replacing, resetting and removing of poles, wires,

conduits, and all appurtenances thereto of public service companies, except as in this paragraph otherwise provided. As to such equipment the Electrical Inspector shall have and exercise the powers and duties that by the terms of such sections are vested in the City Manager or the designee of the City Manager with respect to gas mains, pipelines, and appurtenances thereto. The Electrical Inspector shall so direct the placing, stringing and attaching of wires upon poles erected in the streets and alleys of the City that the same shall cause as little obstruction, either to travel in the streets or to the use and enjoyment of private property, as is compatible with the public interest. (Ord. 1116)

**4-4-6. Violations; penalty.**

A violation of any provision of this Article is a Class II violation.

**ARTICLE 5**

**TELEVISION AND RADIO ANTENNA SYSTEMS**

**(a) DEFINITIONS**

**Section**

<a href="#">4-5-1</a>	<a href="#">Generally.</a>
<a href="#">4-5-2</a>	<a href="#">Antenna.</a>
<a href="#">4-5-3</a>	<a href="#">Height.</a>
<a href="#">4-5-4</a>	<a href="#">Mast.</a>

**(b) GENERAL PROVISIONS**

<a href="#">4-5-5</a>	<a href="#">Compliance with Article; required.</a>
<a href="#">4-5-6</a>	<a href="#">Approved construction and materials.</a>
<a href="#">4-5-7</a>	<a href="#">Construction standards.</a>

**(a) DEFINITIONS**

**4-5-1. Generally.**

The following definitions shall apply in the interpretation and enforcement of this Article.

**4-5-2. Antenna.**

The term “antenna” means the outdoor part of the equipment used for transmitting or receiving television or radio signals into or from space.

**4-5-3. Height.**

The term “height” means the overall vertical length of the antenna system above the ground, or, if such system be located on a building, then above the ground level of such building. Person: Any person, firm, partnership, association, corporation, company or organization of any kind.

**4-5-4. Mast.**

The term “mast” means that part of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.

**(b) GENERAL PROVISIONS**

**4-5-5. Compliance with Article; required.**

All television or radio transmission or receiving antenna systems shall comply with the requirements of this Article.

**4-5-6. Approved construction and materials.**

No electrical materials, devices or equipment designed for attachment to or installation in any electrical circuit or system for television or radio antennas shall be installed or used unless they are in conformity with approved methods of construction for safety to life and property. As to matters not covered by the preceding provisions of this subdivision (b) of this Article, all materials, devices and equipment shall conform to the standards of the Underwriters’ Laboratories, Inc., or other qualified testing laboratories (as determined by the Chief Building Inspector) current as of the time of installation, and the installation thereof shall meet the requirements of the National Electrical Code. The provisions of this subdivision (b) of this Article shall be deemed to be supplemental to all other provisions of the Municipal Code relating to the construction and maintenance of buildings and structures, and electrical work, and all television and radio transmission and receiving systems shall also conform to the requirements of the other provisions. (Ord. 3162, 1990)

**4-5-7. Construction standards.**

All television or radio transmission or receiving antenna systems constructed or caused to be constructed by a public service company or corporation engaged in the business of transmitting or receiving television or radio signals into or from space, and any television or radio transmission or receiving antenna tower that extends in excess of seventy (70) feet above the ground shall be constructed and maintained in good repair in accordance with the published standards of Electronic Industries Association dated November, 1966, entitled “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, RS-222-A.” Provided, any television or radio antenna tower that extends in excess of seventy (70) feet above the ground shall be supported upon the ground. (Ord. 1641, 1967; Ord. 1116)

**ARTICLE 6**

**UNSAFE BUILDINGS, STRUCTURES**

**(a) GENERAL PROVISIONS**

**Section**

<a href="#">4-6-1</a>	<a href="#">Unsafe building, structure; unlawful; nuisance.</a>
<a href="#">4-6-2</a>	<a href="#">Definitions.</a>
<a href="#">4-6-3</a>	<a href="#">Wind energy conversion system.</a>
<a href="#">4-6-4 to</a>	<a href="#">Reserved.</a>
<a href="#">4-6-6</a>	
<a href="#">4-6-7</a>	<a href="#">Notice, how, when given, affidavit.</a>

**(b) ADMINISTRATION OF LAW**

<a href="#">4-6-8</a>	<a href="#">Inspection; Planning and Building Official.</a>
<a href="#">4-6-9</a>	<a href="#">Determination; order; notice to interested parties.</a>
<a href="#">4-6-10</a>	<a href="#">Same; contents.</a>
<a href="#">4-6-11</a>	<a href="#">Same; order; time for compliance.</a>
<a href="#">4-6-12</a>	<a href="#">Same; notice; posting; affidavit.</a>
<a href="#">4-6-13</a>	<a href="#">Same; order; compliance, hardship.</a>
<a href="#">4-6-14</a>	<a href="#">Standards for repair, rehabilitation, vacation, demolition.</a>
<a href="#">4-6-15</a>	<a href="#">Same; building permits; stay.</a>
<a href="#">4-6-16</a>	<a href="#">Hearing, notice, stay.</a>
<a href="#">4-6-17</a>	<a href="#">Hearing; conduct of; decision.</a>
<a href="#">4-6-18</a>	<a href="#">Same; demolition; removal of materials, debris; by City.</a>
<a href="#">4-6-19</a>	<a href="#">Same; material, debris; sale, disposition.</a>
<a href="#">4-6-20</a>	<a href="#">Same; repair, demolition; sale; report; certificates.</a>
<a href="#">4-6-21</a>	<a href="#">Same; expense of repair, demolition, removal; payment.</a>
<a href="#">4-6-22</a>	<a href="#">Same; hearing; order; extension.</a>
<a href="#">4-6-30</a>	<a href="#">Emergency order; subsequent procedure.</a>
<a href="#">4-6-32</a>	<a href="#">Rights, remedies; cumulative.</a>
<a href="#">4-6-33</a>	<a href="#">City officials, employees, agents; liability; defense.</a>
<a href="#">4-6-34 to</a>	<a href="#">Reserved.</a>
<a href="#">4-6-37</a>	

**(c) VIOLATIONS; PENALTY**

<a href="#">4-6-38</a>	<a href="#">Noncompliance; violations; report to City Prosecutor.</a>
<a href="#">4-6-39</a>	<a href="#">Violations; penalty.</a>

**Nebraska Statutes**

**For statutory provisions on unsafe buildings see R.R.S. §§ 18-1722 and 18-1722.01.**

**(a) GENERAL PROVISIONS**

**4-6-1. Unsafe building, structure; unlawful; nuisance.**

It shall be unlawful for the owner or occupant of any building or structure within the corporate limits of the City to cause or permit such building or structure to become or remain an unsafe building or structure within the meaning of this Article. Any such building or structure is hereby declared to be a public nuisance, and shall be repaired, rehabilitated, vacated or demolished, as the case may be, as provided in this Article. (Ord. 2523, 1979; Ord. 1116)

#### **4-6-2. Definitions.**

(1) All buildings or structures which have any of the following defects are hereby declared to be unsafe buildings or structures:

- (a) all buildings or structures having one (1) or more walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity of the lean, list or buckle point falls outside of the middle third of the base of the wall or structural member,
- (b) all buildings or structures which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of a supporting member or members, or fifty (50) percent or more of damage or deterioration of the nonsupporting part of the enclosing or outside walls or covering,
- (c) all buildings or structures the floor or roof of which bears a load or loads of such weight as to create a danger of collapse of the building or structure, or any part thereof,
- (d) all buildings or structures having a part or parts which are so attached that they may fall and injure the occupants or members of the public, or property,
- (e) all buildings or structures which have been damaged by fire, wind or other cause so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the City, and
- (f) all buildings or structures which have become or are so dilapidated, decayed, unsafe or unsanitary as to be likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of the occupants or the people of the City.

(2) Whenever used in this Article, the following words shall have the meaning indicated unless the context clearly indicates otherwise:

- (a) "Interested Party" shall mean:
  - (i) any entity shown by records in the office of the Register of Deeds of Scotts Bluff County to have or claim an interest in the building or structure which is the subject of a determination and order as described in this Article, or
  - (ii) Any tenant occupying such building or structure.
- (b) "Tenant" shall mean an entity in physical possession of or occupying all or part of the building or structure in question whose name does not appear in the records of the Register of Deeds of Scotts Bluff County as an owner of such building or structure.
- (c) "Official" shall mean the Planning and Building Official of the City of Scottsbluff. (Ord. 3805, 2004)

#### **4-6-3. Wind energy conversion system.**

A wind energy conversion system, and any component thereof, constitutes a structure within the meaning of this Article. (Ord. 1771, 1982)

**4-6-4 to 4-6-6. Reserved.**

**4-6-7. Notice, how, when given, affidavit.**

(1) All notices required by this Article shall be given by the City Manager or such employee of the City to whom the City Manager delegates the task of giving the notice. Any investigation to determine the name and address of an interested party shall be conducted by the City Manager or such employee of the City to whom the City Manager delegates the task of conducting such inquiry.

(2) All notices required by this Article shall be in writing, shall be dated, and may be given in any manner reasonably calculated to give the interested party to whom the notice is directed actual knowledge of the contents of the notice.

(3) Notice to an owner shall be deemed properly given if sent by certified mail, return receipt requested, to the address shown in the records of the Scotts Bluff County Treasurer for the owner of the building or structure in question.

(4) Notice to a lienholder shall be deemed properly given if sent by mailed certified mail, return receipt requested, to the address, if any, shown on the lien document filed in the office of the Register of Deeds.

(5) Notice to a tenant shall be deemed properly given if mailed certified mail, return receipt requested, to the address of the building or structure in question. Reasonable inquiry shall be made to determine the name of the tenant or tenants. If after reasonable inquiry the name of the tenant or tenants cannot be found, such notice shall be sent, certified mail, return receipt requested, to "Tenant or tenants" at the address of the building or structure in question. This subsection shall not be construed to require notice to a tenant to be mailed; such notice may be given in any manner authorized by subsection (2) of this section.

(6) If after diligent investigation and inquiry the address of an interested party cannot be ascertained, and no other means of giving notice is available, notice may be mailed by certified mail, return receipt requested, to the last known address of such interested party.

(7) If any person upon whom a notice is required to be served under this Article is deceased, the notice shall be issued to, and copies shall be served upon, the duly appointed personal representative, if any, of the estate; the surviving spouse, if any, of the deceased; and all heirs the name of whom can be ascertained in the exercise of reasonable diligence.

(8) If an interested party is deceased, and after diligent investigation and inquiry the names, residence, place of abode or whereabouts of the heirs, devisees, personal representatives or other persons interested in the estate of such named person deceased cannot be ascertained, notice may be published addressed to "the heirs, devisees, legatees, personal representatives and all other persons interested in the estate of such named person deceased, "real names unknown."

(9) If after diligent investigation and inquiry, the name, residence or address of an interested party, not deceased, cannot be ascertained, notice shall be published addressed to "all persons having or claiming to have an interest in," followed by a legal description of the lot or tract where the building or structure in question is located.

(10) Any notice given by certified mail shall be deemed to have been given on the date that such notice was mailed.

(11) Any notice given by publication shall be published once in a newspaper of general circulation in the City, and shall be deemed to have been given on the date of such publication.



If notice by publication is given, notice shall also be posted in a conspicuous place on the building or structure to which the notice relates.

(12) If, for any reason, a notice shall be determined to have been insufficient or defective, then such continuances or extensions of time as justice requires may be granted.

(13) After the giving of notice in any manner, the person giving the notice shall prepare and execute an affidavit. A copy of the notice shall be attached to the affidavit. The affidavit shall state that attached is a true copy of the notice which was served, the names of the persons upon whom the notice was served and the date and manner of service. If the notice was published, an affidavit by the printer of publication shall be obtained. (Ord. 3805, 2004)

## **(b) ADMINISTRATION OF LAW**

### **4-6-8. Inspection; Planning and Building Official.**

The Planning and Building Official, or his or her duly appointed deputies, may inspect or cause to be inspected all public or quasi-public buildings, schools, halls, churches, theaters, hotels, tenements, commercial offices, manufacturing or loft buildings, and all structures that are not buildings, for the purpose of determining their structural safety. Whenever the Official shall receive information that any other type of building or portion thereof in the City violates the provisions of this Article, the Official or his or her duly appointed deputies may inspect or cause to be inspected such building, structure or portion thereof. It shall be the duty of every owner, agent, lessee or occupant of any building or structure to permit such an inspection at any reasonable time. (Ord. 2565, 1980; Ord. 1116)

### **4-6-9. Determination; order; notice to interested parties.**

If the Official, upon inspection by him or her or his or her duly appointed deputy, shall find a building or structure to be an unsafe as defined in this Article one or more violations of this Article, the Official shall proceed forthwith to make such a determination in writing and enter an order to repair, vacate or demolish the building or structure. Notice of the determination and the order, and a copy of such determination and order shall be given to interested parties within three (3) business days after the determination is made. (Ord. 3805, 2004)

### **4-6-10. Same; contents.**

The order and determination shall contain:

(a) A description of the respects in which the Official has found the building or structure to be an unsafe building or structure within the meaning of this Article.

(b) A specification of the action required of the interested parties. The Official may order the building or structure repaired, vacated, or demolished in whole or in part,

(c) A specification of the time within which the action required of the interested parties is to be completed.

(d) A statement that if the interested parties do not comply with the order within the time provided that the City may cause the required action to be carried out and levy the cost thereof as a special assessment against the real estate upon which the building or structure in question is located. The assessment shall be a lien on the real estate and may be collected in the manner provided for special assessments.

(e) A statement that the interested party may have a hearing before the City Manager.

(f) A statement that if such a hearing is desired it must be requested in writing, mailed or delivered to the City Clerk, within twenty days after the order and determination described in Section 4-6-9 is dated.

(g) A statement that the City Manager may, after such hearing, affirm or modify the order of the Planning and Building Official, and that the interested party may appeal the decision of the City Manager to the appropriate court.

(h) If the Official shall determine that the building is unsafe for occupancy pending repair or rehabilitation, the order shall include an order that the building be vacated within a time specified in the order, and that it not be reoccupied without a written permit from the Official.(Ord. 3805, 2004)

#### **4-6-11. Same; order; time for compliance.**

In determining the time to be allowed to complete any required action the Planning and Building Official and, if a hearing is requested, the City Manager, shall consider all relevant factors, including but not limited to the nature of the action required, any hardship resulting to interested parties, and the nature of the hazard presented by the unsafe building or structure in question. If the Planning and Building Official or, if a hearing is requested, the City Manager, shall determine that a building or structure, or a portion thereof, is so unsafe, or is unsafe in a respect such that a delay in repairing, rehabilitating, vacating or demolishing the building or structure would result in undue danger or other hazard to persons or property, he or she may declare that there exists an emergency requiring that the order to repair, rehabilitate, vacate or demolish be carried out immediately.(Ord. 3805, 2004)

#### **4-6-12. Same; notice: posting; affidavit.**

Upon making a determination that a building or structure is unsafe and entering an order to repair, rehabilitate, vacate or, as the case may be, demolish the building or structure, the Planning and Building Official shall issue and cause to be posted a written notice as herein provided. The notice shall summarize the determination and order which have been made, be printed or typewritten upon cardboard or other material of equivalent durability, and be posted in two or more conspicuous places on the exterior of the building or structure. Upon completion of such posting, the Official shall sign and cause to be filed in the office of the City Clerk an affidavit, to which shall be attached and in which shall be incorporated by reference a copy of the posted notice, and which shall identify the building or structure upon which the notice was posted and the tract of land upon which the building or structure was situated and shall specify the date of the posting and the locations of the posting upon the building or structure, and the person by whom the posting was done. (Ord. 2565, 1980; Ord. 1116)

#### **4-6-13. Same; order; compliance, hardship.**

It shall be unlawful for any person to fail or refuse to comply with any order of the Planning and Building Official or, after a hearing, of the City Manager, issued pursuant to this Article. Provided, if the Official or, after a hearing, the City Manager, shall find that compliance with the order within the time specified in the order would create undue hardship to the owner or occupant of the building and that delay would not involve undue hazard or injury to persons or property, an extension of time may be granted within which such extended time compliance with the order shall be

completed. Such finding, the grounds therefor, and the order of extension shall be in writing. (Ord. 3805, 2004)

**4-6-14. Standards for repair, rehabilitation, vacation, demolition.**

The following standards shall be followed in substance by the Official and the City Manager in ordering repairs, rehabilitation, vacation or demolition:

(1) if the cost of repairing or rehabilitating an unsafe building so that it will no longer exist in violation of the terms of this Article does not exceed fifty (50) percent of the actual appraised value of the building as shown by the records of the office of the County Assessor of Scotts Bluff County, Nebraska, it shall be ordered repaired or rehabilitated,

(2) if the unsafe building is in such condition as to render it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated,

(3) in any case where the cost of repair or rehabilitation of the unsafe building so that it no longer will exist in violation of the terms of this Article is in excess of fifty (50) percent of the actual appraised value of the building as shown by the records of the office of the County Assessor of Scotts Bluff County, Nebraska, it shall be ordered demolished unless repaired or rehabilitated so that it no longer will exist in violation of the terms of this Article. (Ord. 3805, 2004)

**4-6-15. Same; building permits; stay.**

After an order has been made by the Planning and Building Official as provided in this Article no building permit shall be issued in respect of the building which is the subject of such report, except with the consent and approval of the Planning and Building Official. (Ord. 3805, 2004)

**4-6-16. Hearing, notice, stay.**

A request for a hearing as provided in this Article shall stay the order of the Official. Upon receipt of a request for hearing as provided in this Article the City Manager shall set a date, time and place for a hearing, and shall give notice to the interested party who requested the hearing. Such notice shall be given no less than seven days before the date of the hearing. Such notice shall:

(a) State the date, time, and place of the hearing.

(b) Advise such interested party that he or she may be represented by an attorney.

(c) Advise such interested party that at the hearing the City and the interested party may present evidence relevant to the question of whether the building or structure in question is in fact unsafe, and if so, what is necessary to correct the situation and what orders should be made.(Ord. 3805, 2004)

**4-6-17. Hearing, conduct of; decision.**

The City Manager shall preside at such hearing. The interested party who requested a hearing may be represented by an attorney. If deemed necessary or appropriate by the City Manager, the City Attorney or Deputy City Attorney shall represent the City. The City shall first present the reasons supporting the determination and order made by the Planning and Building Official. The interested party who requested the hearing may then present evidence in opposition to such order and determination. An interested party who did not request a hearing may not participate in the hearing, although such interested party may be a witness. The Nebraska Evidence Rules shall not be in effect at such hearing. The City Manager may allow the parties or their attorneys to argue the matter after the reception of evidence. The City Manager shall not be bound in any manner by the determination

and order of the Planning and Building Official but shall consider the matter de novo and shall make an independent decision. The City Manager may affirm, reverse, or modify the determination and order of the Planning and Building Official. The City Manager shall make a written decision within seven days after the conclusion of the hearing and shall notify the parties of such decision in the manner provided in this Article.(Ord. 3805, 2004)

**4-6-18. Same; demolition; removal of materials, debris; by City.**

If the Official or, after a hearing, the City Manager shall order a building or structure repaired or demolished and debris removed by the City as provided in this Article, and the owner shall fail or refuse to comply with the order in whole, or in part, within the time specified in the order, the Planning and Building Official shall in writing so report to the City Manager and submit to the City Manager an estimate concerning the cost of the repair or demolition and removal, and a recommendation concerning the manner in which the repair, demolition and removal shall be effected. If it shall appear to the City Manager that the aggregate cost of the repair or demolition and removal work will not exceed the sum of seven thousand five hundred dollars (\$7,500.00), the City Manager, shall in writing so determine and, in his or her sound discretion, shall order either that the repair or demolition and the removal work be done by employees of the City under the direction of the Official, or that the work be done by a private contractor, subject to inspection and approval of the work by the Official. If the City Manager shall determine that the work shall be done by employees of the City under the direction of the Official, the Official shall proceed with the repair or demolition of the building or structure and removal from the lot or tract of all materials and debris, and he shall place the lot or tract in a safe condition. If the City Manager shall determine that the work shall be done by a private contractor, he or she shall also determine in writing whether the taking of bids would be likely to result in the lowest cost and, depending upon his or her decision in that respect, shall make appropriate arrangements for a contract with a private contractor for that purpose. Such bids may be solicited in any manner which, in the sound discretion of the City Manager, is the best suited to eliciting the lowest and best bid, but the bids shall be in writing. No repair, demolition or removal work shall be commenced by a private contractor until a written contract therefor shall have been signed by the contractor and the City, the latter, by the Mayor or, in case of his or her absence or disability, by the Vice-President of the City Council. If it shall appear to the City Manager that the aggregate cost of the repair or demolition and removal work will exceed the sum of seven thousand five hundred dollars (\$7,500.00), the City Manager shall in writing so determine, and shall submit to the City Council the estimate of cost, together with a recommendation by the City Manager that the City advertise for bids for such work as provided in section 16-321, R.R.S. 1943. All repair, demolition or removal work done by a private contractor, whether done pursuant to a bid accepted by the City Council, or otherwise, shall be subject to inspection and approval by the City Manager or the delegee of the City Manager. Provided however, that if the City Council shall find that there exists an emergency as provided in section 16-321, R.R.S. 1943, may, by an ordinance adopted by three-fourths of the members of the City Council, waive estimates of cost and advertising for bids where the apparent cost of the work will exceed seven thousand five hundred dollars (\$7,500.00)), and the expense of such repair, demolition and removal may be paid as provided in this Article and assessed against the lot or tract as provided in this Article.(Ord. 3805, 2004)

**4-6-19. Same; material, debris; sale, disposition.**

Where pursuant to an order of the Official or, after a hearing, the City Manager, an unsafe building or structure has been repaired or demolished and the materials and debris removed or, as the case may be, is about to be repaired or demolished and removed, the Official shall sell, or if there appears to him or her to be a substantial doubt whether the gross proceeds of sale will exceed the expenses of sale, shall otherwise dispose of the materials and debris. The sale shall be at private sale or public auction, as will in the discretion of the Official be likely to realize the largest amount of proceeds after payment of the expenses of sale. The proceeds of sale shall be applied in payment, in the following order, of:

- (1) the expenses of sale,
- (2) the expenses incurred by the City in the proceedings to have the building or structure determined to be an unsafe building and, as the case may be, a nuisance and, if a special assessment is to be made, the estimated expense of levying such assessment,
- (3) the expense of repair or demolition of the building or structure and removal of the material and debris,
- (4) unpaid general taxes on the building, structure, lot or tract, and
- (5) unpaid special assessments against the lot or tract.

The balance, if any, of the proceeds shall be paid to interested parties as their interest may appear. If any of such expenses shall have been paid by the City prior to the sale, the proceeds shall be paid into the fund out of which the expenses were paid, to the same extent that they would have been applied in payment of the expenses had the expenses not been paid initially out of the fund.(Ord. 3805, 2004)

**4-6-20. Same; repair, demolition; sale; report; certificates.**

Where pursuant to an order of the Official or, after a hearing, the City Manager an unsafe building or structure has been repaired or demolished and materials and debris have been removed, the Official shall file with the City Clerk a written report thereof. The report shall identify the building or structure and the lot or tract; state the name and address of the owner and of any other person having, or appearing or claiming to have, an interest therein; state that the owner of the building or structure did not complete repair or demolition thereof and removal of the materials and debris from the lot or tract within the time specified by the order of the Official, or after a hearing, the City Manager; state the date or dates when the repair, demolition and removal were completed by the City; and, in the event that the work was performed otherwise than under a contract let by the City Council, state the cost, in itemized form, of the work. If the work was performed by a private contractor, the report shall contain a certificate of the Official that the work was performed in accordance with the contract; and, if the contract was one which was let by the City Council, there shall also be attached to the report a certificate of the City Manager or the delegee of the City Manager that the work was performed in accordance with the contract.(Ord. 3805, 2004)

**4-6-21. Same; expense of repair, demolition, removal; payment.**

When a report and certificate of the Official and, as the case may be, a certificate of the City Manager or the designee of the City Manager shall have been filed with the City Clerk as provided in this Article, the City Council may authorize payment of the expenses so certified.(Ord. 3805, 2004)

**4-6-22. Same; expense of repair, demolition, removal; assessment.**

Where an unsafe building or structure has been repaired or demolished and material and debris removed from the lot or tract pursuant to an order made in accordance with this Article, the City Council, after notice and hearing as provided in section 16-707, R.R.S.1943, and either prior or subsequent to a sale of the removed materials and debris as provided in this Article, may by ordinance specially assess the cost of such repair, demolition and removal against the lot or tract. Any such assessment shall be a lien on the lot or tract on which levied from the date of passage of the assessment ordinance, shall become delinquent in twenty (20) days after such date, shall draw interest at the rate of six (6) percent per annum from such date until the assessment shall become delinquent, and thereafter shall draw interest at the rate of nine (9) percent per annum. The City Clerk shall certify all such assessments to the County Clerk as provided in section 16-646 and section 16-702, R.R.S. 1943.(Ord. 3805, 2004)

**4-6-30. Emergency order; subsequent procedure.**

Whenever any person shall fail to comply with an order of the Planning and Building Official to repair, rehabilitate, vacate or demolish immediately an unsafe building or structure and remove the material and debris as provided in this Article, the Official shall forthwith so report to the City Manager, and the City shall proceed with such repair or demolition and removal as provided in this Article (except that the City Manager may waive estimates of cost and bidding where the apparent cost of the work will not exceed the sum of seven thousand five hundred dollars (\$7,500.00), and the City Council, if it shall find that there exists an emergency as provided in section 16-321, R.R.S. 1943, may, by an ordinance adopted by three-fourths of the members of the City Council, waive estimates of cost and advertising for bids where the apparent cost of the work will exceed seven thousand five hundred dollars (\$7,500.00)), and the expense of such repair, demolition and removal may be paid as provided in section 4-6-28 and assessed against the lot or tract as provided in this Article. (Ord. 2565, 1980; Ord. 1116)

**4-6-32. Rights, remedies; cumulative.**

All remedies provided in this Article are in addition to the remedies provided in other portions of the Municipal Code, and are not in derogation of any rights or remedies which the City has under the laws of the State of Nebraska (Ord. 1901, 1971; Ord. 1116)

**4-6-33. City officials, employees, agents; liability; defense.**

No officer, or employee or agent of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her office, employment or agency under this Article. Any suit brought against any officer, employee or agent of the City as a result of any act required or permitted in the discharge of his or her duties under this Article shall be defended by the City Attorney at the expense of the City until final determination of the proceedings therein. (Ord. 1901, 1971; Ord. 1116)

**4-6-34 to 4-6-37. Reserved.**

**(c) VIOLATIONS; PENALTY**

**4-6-39. Violations; penalty.**

The following are Class II violations:

- (a) A violation of any provision of this Article;
- (b) A failure to comply with any order of the Official or the City Manager made pursuant to this Article;
- (c) The defacing or removal of a posted placard in violation of this Article.

Each day that such noncompliance or other violation continues shall constitute a separate offense. (Ord. 3805, 2004)

## ARTICLE 7

### FAIR HOUSING

**Section:**

<a href="#"><u>4-7-1</u></a>	<a href="#"><u>Terms; defined.</u></a>
<a href="#"><u>4-7-2</u></a>	<a href="#"><u>Unlawful acts; enumerated.</u></a>
<a href="#"><u>4-7-3</u></a>	<a href="#"><u>Same; exceptions.</u></a>
<a href="#"><u>4-7-4</u></a>	<a href="#"><u>Fair Housing Commission purpose; general.</u></a>
<a href="#"><u>4-7-5</u></a>	<a href="#"><u>Complaint; filing; form; copy.</u></a>
<a href="#"><u>4-7-6</u></a>	<a href="#"><u>Same; investigation; informal procedures; violations; penalty.</u></a>
<a href="#"><u>4-7-7</u></a>	<a href="#"><u>Same; time for filing; contents; amendments.</u></a>
<a href="#"><u>4-7-8</u></a>	<a href="#"><u>Complaint; answer; oath.</u></a>
<a href="#"><u>4-7-9</u></a>	<a href="#"><u>Burden of proof.</u></a>
<a href="#"><u>4-7-10</u></a>	<a href="#"><u>Investigation; powers.</u></a>
<a href="#"><u>4-7-11</u></a>	<a href="#"><u>Subpoenas; request by complainant or respondent.</u></a>
<a href="#"><u>4-7-12</u></a>	<a href="#"><u>Same; service.</u></a>
<a href="#"><u>4-7-13</u></a>	<a href="#"><u>Procedural noncompliance; unlawful; when.</u></a>
<a href="#"><u>4-7-14</u></a>	<a href="#"><u>Findings and recommendations.</u></a>
<a href="#"><u>4-7-15</u></a>	<a href="#"><u>Denial; interference; unlawful.</u></a>
<a href="#"><u>4-7-16</u></a>	<a href="#"><u>Injunctive relief; recommendations; approval by City Council.</u></a>
<a href="#"><u>4-7-17</u></a>	<a href="#"><u>Failure to show housing; order; injunction.</u></a>
<a href="#"><u>4-7-18</u></a>	<a href="#"><u>Violations; penalty.</u></a>

**4-7-1. Terms; defined.**

For purposes of interpreting this Article, the following definitions shall be used:

- (1) “Covered multi-family dwellings” shall mean:
  - (a) buildings consisting of four or more units if such buildings have one or more elevators, and
  - (b) ground floor units in other buildings consisting of four or more units;
- (2) “Discriminate” shall include:
  - (a) 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 a rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior

of the premises to the condition that existed before the modification, reasonable wear and tear excepted,

- (b) 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 and enjoy a dwelling, and
- (c) in connection with the design and construction of covered multifamily dwellings for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such a manner that:
  - (i) the public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons,
  - (ii) 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
  - (iii) all premises within the dwellings contain the following features of adaptive design:
    - (A) an accessible route into and through the dwelling,
    - (B) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    - (C) reinforcements in bathroom walls to allow later installation of grab bars, and
    - (D) kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space;
- (d) 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 sub section (b)(3) of this section.

(3) “Dwelling” shall mean any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a residence for one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

- (4) “Familial status” shall mean one or more minors being domiciled with:
- (a) a parent or another person having legal custody of such individual, or
  - (b) the designee of a parent or other person having legal custody, with the written permission of the parent or other person.

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.

(5) “Family” shall include a single individual.

- (6) “Handicap” shall mean, with respect to a person:
- (a) a physical or mental impairment which substantially limits one or more of such person’s major life activities,
  - (b) a record of having such an impairment, or
  - (c) being regarded as having such an impairment.

Handicap shall not include current, illegal use of or addiction to a controlled substance as defined in the Nebraska statutes.



- (7) "Person" shall include 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.
- (8) "Rent" shall include lease, sublease, let, and otherwise grant for consideration the right to occupy premises not owned by the occupant.
- (9) "Restrictive covenant" shall mean 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.
- (10) "Transaction related to residential real estate" shall mean any of the following:
  - (a) the making or purchasing of loans or providing other financial assistance:
    - (i) for purchasing, constructing, improving, repairing, or maintaining a dwelling, or
    - (ii) secured by residential real estate; or
  - (b) the selling, brokering, or appraising of residential real property. (Ord. 3208, 1992)

#### **4-7-2. Unlawful acts; enumerated.**

Except as exempted by this Article, it is unlawful:

- (1) to 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, or sex;
- (2) to 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 therewith because of race, color, religion, national origin, familial status, or sex;
- (3) to 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 preference, limitation, or discrimination;
- (4) to 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) to 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) to 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) to discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's or agent's compliance with this Article; and
- (8) to 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 a person or persons of a particular race, color, religion, national origin, handicap, familial status, or sex;
- (9) to 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;
- (10) to 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,
  - (c) a person residing in or intending to reside in the dwelling after it is so sold, rented, or made available;
- (11) for any person or other entity whose business includes engaging in transactions related to residential real estate to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religion, sex, handicap, familial status, or national origin;
- (12) 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;
- (13) to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of the person have exercised or enjoyed or having aided or encouraged any other person in the exercise of benefits and rights guaranteed by this Article;
- (14) to refuse to sell or lease a dwelling to an individual on the basis that the individual, a member of the individual's family, or a person who will be residing with the individual is suffering or is suspected of suffering from human immunodeficiency virus infection or acquired immunodeficiency syndrome;
- (15) for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against the applicant in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of race, color, religion, national origin, or sex of such person or of any person associated with the applicant in connection with such loan or other financial assistance or for the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given. (Ord. 3208, 1992)

#### **4-7-3. Same; exceptions.**

Nothing in this Article shall:

- (1) 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, sex, handicap, or familial status;

(2) prohibit conduct against the person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined the Nebraska statutes;

(3) 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;

(4) prohibit a religious organization, association, or society or any nonprofit 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;

(5) prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes 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;

(6) prohibit or limit the right of any person or his or her authorized representative to refuse to rent a room or rooms 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 own home. (Ord. 3208, 1992)

#### **4-7-4. Fair Housing Commission; purpose; general.**

The purpose of the Fair Housing Commission, in performing the duties set forth in this Article, shall be to ensure that there shall be no discrimination in the acquisition, ownership, possession or enjoyment of housing throughout the City contrary to the Constitution of the State of Nebraska. (Ord. 2663, 1981)

#### **4-7-5. Complaint; filing; form; copy.**

Any person who claims to have been injured by a discriminatory housing practice may file a complaint with the Commission. The complaint shall be in writing and be in such form as the Commission requires. Upon receipt of such a complaint, the Commission shall furnish a copy of the same to the person or person who allegedly committed the alleged discriminatory practice. (Ord. 2663, 1981)

#### **4-7-6. Same; investigation; informal procedures; violations; penalty.**

The Commission shall investigate the complaint and, at its next regularly scheduled meeting, determine whether probable cause exists to credit the allegations of the complaint. If the Commission determines probable cause does exist, it shall proceed to try to eliminate or correct the alleged discriminatory practice by informal methods of conference, conciliation, and persuasion. (Ord. 2663, 1981)

#### **4-7-7. Same; time for filing; contents; amendment.**

A complaint shall be filed with the Commission by the complainant within one hundred and eighty (180) days after the alleged discriminatory practice occurred or the same shall be waived. The com-

plaint shall state the facts upon which the allegations of the discriminatory practice are based. Complaints may be reasonably and fairly amended at any time. (Ord. 2663, 1981)

**4-7-8. Complaint; answer; oath.**

Both complaints and answers shall be verified under oath. (Ord. 2663, 1981)

**4-7-9. Burden of proof.**

In any proceeding brought pursuant to this Article, the burden of proof shall be on the complainant. (Ord. 2663, 1981)

**4-7-10. Investigation; powers.**

In conducting an investigation, the Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statement of such persons as are reasonably necessary for the furtherance of the investigation. The Commission, in the manner provided in this Article, may issue subpoenas to compel access to or the production of materials or for the appearance of persons, and may issue interrogatories to the parties, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the District Court. The Commission also may administer oaths. (Ord. 2663, 1981)

**4-7-11. Subpoenas; request by complainant or respondent.**

Upon written application to the Commission, a complainant or respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Commission to the same extent and subject to the same limitations as subpoenas issued by the Commission itself. Subpoenas issued at the request of a complainant or respondent shall show on their face the name and address of such party and shall state that they were issued at his or her request. (Ord. 2663, 1981)

**4-7-12. Same; service.**

Every subpoena issued by the Commission shall be served by an agent or representative of the Commission. (Ord. 2663, 1981)

**4-7-13. Procedural noncompliance; unlawful; when.**

It shall be unlawful for any person, partnership, association or corporation:

(1) to wilfully fail or neglect to attend and testify or to answer any lawful inquiry, or to produce records, documents, or other evidence, if in his or her power to do so, in obedience to a subpoena or lawful order of the Commission;

(2) with intent to mislead the Commission, to make or cause to be made any false entry or statement of fact in any complaint, report, account, record, or other documents submitted to the Commission pursuant to a subpoena or lawful order of the Commission, to wilfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or wilfully to mutilate, alter, or by other means falsify any documentary evidence. (Ord. 2663, 1981)

**4-7-14. Findings and recommendations.**

After completion of an investigation and hearing, if any, the Commission shall make a report in writing to the City Council setting forth findings of fact and its recommendations, which report shall become a part of the official records of the City. (Ord. 2663, 1981)

**4-7-15. Denial; interference; unlawful.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise of his or her enjoyment of, or on account of his or her having exercised or enjoyed or having aided and encouraged any other person in the exercise of, benefits and rights guaranteed by this Article or to deny to any person any rights which he is entitled to under the provisions of this Article, or is otherwise guaranteed by this Article. (Ord. 2663, 1981)

**4-7-16. Injunctive relief; recommendation; approval of City Council.**

When the Commission has been unable to obtain voluntary compliance with this Article, and determines it advisable, for a proper determination of a complaint, that a petition be filed by the City in the district court seeking appropriate injunctive relief, and so recommends in writing to the City Council, the City Council may authorize the filing of such a petition in the name of the City ex rel the Fair Housing Commission. Such a recommendation by the Commission, if made, shall be made within thirty (30) days after the Commission determines it has been unable to obtain voluntary compliance with this Article. (Ord. 2663, 1981)

**4-7-17. Failure to show housing; order, injunction.**

If the complaint is based on an alleged failure to show the housing involved, the Commission, after investigation and determination that probable cause exists for crediting the allegation, may issue its order that the housing involved be shown to the complainant. The order may be issued without a hearing. If the respondent refuses without good reason, as determined by the Commission, to comply with such order within three (3) days, the Commission may recommend to the City Council that the City seek appropriate injunctive relief, and the City Council may authorize the City to seek such relief, as provided in section 4-7-16. (Ord. 2663, 1981)

**4-7-18. Violations; penalty.**

A violation of any provision of this Article is a Class II violation. (Ord. 2663, 1981)

**ARTICLE 8**

**WIND ENERGY CONVERSION  
SYSTEMS**

**Section:**

<a href="#">4-8-1</a>	<a href="#">Definitions; generally.</a>
<a href="#">4-8-2</a>	<a href="#">Same; overspeed control.</a>
<a href="#">4-8-3</a>	<a href="#">Same; survival wind speed.</a>
<a href="#">4-8-4</a>	<a href="#">Same; wind energy conversion system; WECS.</a>
<a href="#">4-8-5</a>	<a href="#">Same; wind rotor.</a>
<a href="#">4-8-6</a>	<a href="#">Tower.</a>
<a href="#">4-8-7</a>	<a href="#">Same; guy wires.</a>
<a href="#">4-8-8</a>	<a href="#">Wind rotor.</a>
<a href="#">4-8-9</a>	<a href="#">Electrical components.</a>
<a href="#">4-8-10</a>	<a href="#">Noise.</a>
<a href="#">4-8-11</a>	<a href="#">Electromagnetic interference.</a>
<a href="#">4-8-12</a>	<a href="#">Aviation regulations.</a>
<a href="#">4-8-13</a>	<a href="#">Building permit application</a>
<a href="#">4-8-14</a>	<a href="#">Same; electrical components.</a>
<a href="#">4-8-15</a>	<a href="#">Warning sign; labeling.</a>
<a href="#">4-8-16</a>	<a href="#">Power connection; notice.</a>
<a href="#">4-8-17</a>	<a href="#">Liability insurance.</a>
<a href="#">4-8-18</a>	<a href="#">Maintenance.</a>
<a href="#">4-8-19</a>	<a href="#">Violations; penalties.</a>

**4-8-1. Definitions; generally.**

The defined words and phrases in succeeding sections of this Article shall have the meanings there ascribed to them for the purposes of this Article unless the context in which they occur clearly indicates otherwise. Other words and phrases in this Article are defined in Chapter 25 of the Municipal Code, and such words and phrases shall also have, for purposes of the present Article, the meanings ascribed to them in such Chapter 25. (Ord. 2771, 1982)

**4-8-2. Same; overspeed control.**

The term “overspeed control” means a mechanism used to limit the speed of blade rotation to one that is below the design limits of the WECS. (Ord. 2771, 1982)

**4-8-3. Same; survival wind speed.**

The term “survival wind speed” means the maximum wind speed a WECS in automatic unattended operation (whether or not producing power) can sustain without damage to structural components or loss of ability to function normally. (Ord. 2771, 1982)

**4-8-4. Same; wind energy conversion system; WECS.**

The term “wind energy conversion system” has the meaning, for purposes of this Article, that is ascribed to it in Chapter 25. For convenience, the term usually is abbreviated WECS. (Ord. 2771, 1982)

**4-8-5. Same; wind rotor.**

The term “wind rotor” means the blades, and the hub to which they are attached, which are used to capture wind for purposes of energy conversion. A wind rotor is mounted upon a pole or tower for use. (Ord. 2771, 1982)

**4-8-6. Tower.**

Tower construction shall comply with all provisions of sections 621.0, 621.1, 621.2, 621.3, 621.4, 621.4.1, 621.4.2, 621.5, 622.0, 622.1 and 622.2 of the BOCA Code as adopted by this Chapter. The tower shall have either a tower-climbing apparatus commencing not lower than twelve (12) feet above the ground, or a locked anticlimb device installed on the tower, or shall be completely enclosed by a locked, protective fence not less than six (6) feet in height. (Ord. 3162, 1990)

**4-8-7. Same; guy wires.**

Anchor points of guy wires for the tower shall be located upon the lot or tract of land on which the tower is situated. Such wires shall not be located across any aboveground electrical transmission or distribution lines, and shall not extend into any required front or side yard building setback areas. The point of ground attachment for guy wires shall be completely enclosed by a continuous fence six (6) feet in height. (Ord. 2771, 1982)

**4-8-8. Wind rotor.**

Each WECS shall be equipped with both manual and automatic controls which will limit the rotational speed of the blade to a speed that is lower than the design limits of the wind rotor. (Ord. 2771, 1982)

**4-8-9. Electrical components.**

All electrical components of a WECS shall comply with the requirements of Chapter 4, Article 2, including but not limited to the National Electrical Code provisions adopted in such Chapter. (Ord. 2771, 1982)

**4-8-10. Noise.**

The noise generated by a WECS shall not exceed sixty-five (65) decibels on the DBA scale, as measured outdoors at any property line of the lot or tract of land on which the WECS is located, or forty-five (45) decibels as measured inside any residential structure located on or adjacent to such lot or tract of land. (Ord. 2771, 1982)

**4-8-11. Electromagnetic interference.**

A WECS shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy which would cause harmful interference with radio and/or television broadcasting or reception. A WECS shall not be installed in any location along the major axis of an existing microwave communications link such that the operation of the WECS may produce a harmful level of electromagnetic interference. If the Planning and Building Official shall determine that a WECS is causing harmful interference, the operator shall immediately cease operation of the system, and shall not resume operation until the harmful interference has been removed, as determined by the Official. (Ord. 2771, 1982)

#### **4-8-12. Aviation regulations.**

No WECS shall be erected, maintained or operated in violation of any regulation of the Federal Aviation Administration. (Ord. 2771, 1982)

#### **4-8-13. Building permit application.**

An application for a building permit for a WECS shall:

- (1) be accompanied by a plot plan drawn in sufficient scale and detail to clearly show:
  - (a) the property lines and physical dimensions of the lot or tract of land on which the WECS will be located, and location and dimensions of all abutting streets and alleys,
  - (b) the location and total height of the WECS,
  - (c) the location of aboveground utility lines on the lot or tract of land and, whether or not on the lot or tract of land, within a radius equal to one and one-half (1 ½) times the total height of the WECS, and
  - (d) the location and size (including height) of buildings, structures and trees referred to in Chapter 25, Article 24, except electrical transmission and distribution lines, antennas, slender or open lattice towers, and open fences;
- (2) be accompanied by standard drawings of the structural components of the WECS, including the tower support structures, base and footings; such drawings and any necessary calculations shall be certified in writing by a licensed professional engineer licensed to practice in the State of Nebraska, and shall include a certification that the system, including any structural components or installation details which vary from the standard design or specifications, complies with the requirements, including the windload requirements, of the BOCA Code;
- (3) cite specific wind-speed data, including monthly mean wind speeds for a period of no less than six (6) months;
- (4) for the area in which is situated the lot or tract of land, include WECS design data, including manufacturer's specification and installation and operation instructions;
- (5) be accompanied by a statement by a Nebraska licensed professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use according to good engineering practices, and the structural compatibility of available towers with available rotors; and
- (6) be accompanied by documentation by the WECS manufacturer that the WECS model has operated safely in atmospheric conditions for a period of not less than three (3) months and has provided energy equivalent to not less than twenty-five (25) percent of its predicted annual energy output under a twelve (12) mph annual wind regime. (Ord. 3162, 1990)

#### **4-8-14. Same; electrical components.**

The drawing of the electrical components which accompanies the application shall be a line drawing in sufficient detail to enable the Planning and Building Official to determine that the manner of installation will comply with the requirements of Chapter 4, Article 2, including but not limited to the National Electrical Code provisions adopted in that Chapter, and there shall be attached to the drawing a statement of an electrician licensed under the laws of the State of Nebraska that the electrical system complies with the National Electrical Code, and conforms to good electrical practices. If electrical components proposed to be installed vary from the standard design or specifications, the application shall be accompanied, also, by a certificate of a licensed



professional engineer that the modified design or specifications comply with such National Electrical Code and conforms to good engineering practices. (Ord. 3162, 1990)

**4-8-15. Warning sign; labeling.**

Not less than one (1) sign warning of electrical shock or high voltage shall be posted and maintained in a conspicuous location at the base of the tower. The following information shall also be posted on a label or labels affixed to the generator or alternator of the WECS:

- (1) the maximum power output of the system and the wind speed at which it is achieved,
- (2) nominal voltage(s) and maximum current, and
- (3) the manufacturer's name and address, and the serial number and model number.

All of the foregoing information, together with a statement of the maximum survival wind speed and of emergency and normal shutdown procedures, shall also be provided on a label or labels posted and easily read at ground level or located at the WECS control panel. (Ord. 2771, 1982)

**4-8-16. Power connection; notice.**

The person to whom a building permit for a WECS is granted shall, before connecting the WECS to the grid of a public power district, notify the district in writing of its intention so to do. (Ord. 2771, 1982)

**4-8-17. Liability insurance.**

The owner of the lot or tract of land or, if the WECS is to be erected, maintained or operated by some other person, such other person shall maintain liability insurance covering loss or damage to persons and property by the WECS in a minimum amount of two hundred thousand dollars (\$200,000), and shall maintain on file in the office of the Planning and Building Official a certificate of the insurer showing such coverage. (Ord. 2771, 1982)

**4-8-18. Maintenance.**

A WECS shall be regularly and properly maintained in good operating condition. (Ord. 2771, 1982)

**4-8-19. Violations; penalties.**

A violation of any provision of this Article, including the standard codes adopted by reference, or any failure to comply with any lawful permit, order or notice made or given thereunder, is a Class II violation. Each day that a violation or noncompliance shall continue after notification by the Planning and Building Official shall constitute a separate offense. (Ord. 2771, 1982)

## ARTICLE 9

### SATELLITE EARTH STATIONS

**Section:**

<a href="#">4-9-1</a>	<a href="#">Definitions; generally.</a>
<a href="#">4-9-2</a>	<a href="#">Same; satellite earth station.</a>
<a href="#">4-9-3</a>	<a href="#">Same; satellite signal, usable.</a>
<a href="#">4-9-4</a>	<a href="#">Standard codes; compliance.</a>
<a href="#">4-9-5</a>	<a href="#">Satellite earth station; other specifications; installation.</a>
<a href="#">4-9-6</a>	<a href="#">Same; modification; permit.</a>
<a href="#">4-9-7</a>	<a href="#">Violations; penalties.</a>

#### **4-9-1. Definitions; generally.**

The defined words and phrases in succeeding sections of this Article shall have the meanings there ascribed to them for the purposes of this Article unless the context in which they occur clearly indicates otherwise. Other words and phrases in this Article are, or hereafter may be, amended, of Chapter 25 of the Municipal Code, and such words and phrases shall also have, for purposes of the present Article, the meanings ascribed to them in such Chapter 25. (Ord. 2903, 1985)

#### **4-9-2. Same; satellite earth station.**

A “satellite earth station” is an apparatus capable of receiving communications from a transmitter or transmitter relay located in planetary orbit. (Ord. 2903, 1985)

#### **4-9-3. Same; satellite signal, usable.**

A “satellite signal, usable” is a signal which is at least equal in picture quality to that received from local commercial television stations or by way of cable television. (Ord. 2903, 1985)

#### **4-9-4. Standard codes; compliance.**

All satellite earth stations and their construction and installation shall conform to all applicable provisions of the International Building Code and the National Electric Code as adopted in this Chapter. (Ord. 3606, 1999; Ord. 3796, 2004)

#### **4-9-5. Satellite earth station; other specifications; installation.**

All satellite earth stations shall be constructed of non-combustible and corrosive resistant material, meet all manufacturer’s specifications concerning installation, and be erected in a secure, wind-resistant manner. (Ord. 2903, 1985)

#### **4-9-6. Same; modification; permit.**

No structural or electrical modifications may be made to any satellite earth station without a building permit approved by the Chief Building Inspector. (Ord. 2903, 1985)

#### **4-9-7. Violations; penalties.**

A violation of any provision of this Article, including the standard codes to which reference is made, or a failure to comply with any lawful permit, order or notice made or given thereunder,

is a Class II violation. Each day that a violation or noncompliance shall continue after notification by the Planning and Building Official shall constitute a separate offense. (Ord. 2903, 1985)

## ARTICLE 10

### MOBILE HOMES

**Section:**

[4-10-1](#) [Mobile homes; construction; safety standards.](#)

[4-10-2](#) [Violations; penalties.](#)

**4-10-1. Mobile homes; construction; safety standards.**

All mobile homes shall comply with all mobile home construction and safety standards adopted by the Nebraska Department of Health under Article 46 of Chapter 71, R.R.S. 1943, as now existing or hereafter amended. (Ord. 2907, 1985)

**4-10-2. Violations; penalties.**

A violation of any provision of this Article, including any mobile home construction or safety standard adopted by the Nebraska Department of Health under Article 46 of Chapter 71, R.R.S. 1943, as now existing or hereafter amended, or the failure to comply with any lawful permit, order or notice made or given under any such provision, is a Class II violation. Each day that a violation or noncompliance shall continue after notification by the Planning and Building Official shall constitute a separate offense. (Ord. 2907, 1985)