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**CHAPTER VIII - BUILDING REGULATIONS**

**ARTICLE I - BUILDING PERMITS**

**SECTION 8-101: BUILDING INSPECTOR; POWER AND AUTHORITY**

The building inspector shall be the city official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He/she shall:

1. Inspect all buildings repaired, altered, built or moved in the City as often as necessary to insure compliance with all city ordinances.
2. Have the power and authority to order all work stopped on any construction, alteration or relocation which violates any provisions prescribed herein.
3. Issue permission to continue any construction, alteration or relocation when he/she is satisfied that no provision will be violated.

**SECTION 8-102: RIGHT OF ENTRY**

It shall be unlawful for any person to refuse to allow the building inspector entry into any building or structure where the work of construction, alteration, repair or relocation is taking place, for the purpose of making official inspections, at any reasonable hour.

### **SECTION 8-103: TIME OF INSPECTION**

1. The building inspector, upon notification from the permit holder or his/her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or notify the permit holder or his/her agent that the work fails to comply with the requirements of the municipal code:

- A. Foundation inspection shall be made after trenches are excavated and the necessary forms erected;
- B. Frame inspection shall be made after the roof, framing, fireblocking, and backing is in place and all pipes, chimneys, and vents are complete; and
- C. Final inspection shall be made after the building is completed and ready for occupancy.

2. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the approval of the building inspector.

### **SECTION 8-104: APPEAL FROM DECISION**

1. In the event it is claimed that (A) the true intent and meaning of this article has been wrongly interpreted by the building inspector; (B) that the time allowed for compliance with any order of the building inspector is too short; or (C) that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this article and the building inspector, then the owner, his/her agent, or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made.

2. The City Council shall sit and act as the Board of Adjustment and, when appealed to, shall have the power and authority to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to both the building inspector and the applicant.

### **SECTION 8-105: PERMIT APPLICATION; FEE; ISSUANCE OF PERMIT**

1. Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish or relocate any building or dwelling, or cause the same to be done, shall file with the city clerk an application for a building permit. The application shall be in writing on a form furnished by the city clerk. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect and contractor, and such other information as may be requested thereon.

2. The application, plans and specifications so filed with the city clerk shall be checked and examined by the building inspector, and if they are found to be in conformity with the requirements of this article and all other ordinances applicable thereto, the building inspector shall authorize the city clerk to issue the said applicant a permit upon the

payment of the permit fee set by resolution of the City Council; provided, no permit shall be needed for roof repair or driveway construction. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.

3. At the time of application for a building permit, a deposit shall be made to the City according to the following building permit deposit fee schedule:

New commercial building or new residential building	\$1,000.00
Commercial addition, remodel or accessory building valued at \$25,000.00 or greater	\$1,000.00
Residential remodel, addition or accessory building valued at \$25,000.00 or greater	\$500.00

Such deposit shall be refunded to the remitter upon completion and approval of a final inspection and adherence to the conditions of the building permit deposit agreement. (Ref. Neb. Rev. Stat. §17-130 through 17-132, 17-550, 17-1001) (Am. by Ord. No. 703, 10/10/17)

### **SECTION 8-106: PERMIT LIMITATION**

If the work for which a permit has been issued has not begun within six months of the date thereof or if the construction has not been completed within 12 months, the permit shall be void; provided, the permittee shall have an opportunity to appear and show cause why his/her permit should not be cancelled. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

### **SECTION 8-107: BUILDING PERMITS; DUPLICATE TO COUNTY ASSESSOR**

Whenever a building permit is issued for the erection, alteration or repair of any building within the City's jurisdiction and the improvement is \$1,000.00 or more, a duplicate of such permit shall be issued to the county assessor. (Ref. Neb. Rev. Stat. §18-1743)

### **SECTION 8-108: BARRICADES AND LIGHTS**

It shall be the duty of the owner, tenant or lessee causing the construction, demolition, or moving of any building or improvement within the City to protect all excavations, open basements, building materials, and debris with suitable guards or barricades by day and by warning lights at night. The failure, neglect or refusal of said persons to erect such guards shall constitute a violation of this section and the city police or the building inspector shall stop all work until guards are erected and maintained as required.

## **ARTICLE II - MOVING BUILDINGS**

### **SECTION 8-201: DEFINITION**

"Building" is a structure designated, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, industrial, institutional, assembly, educational or recreational purposes. A structure with the following dimensions or less shall not fall within this definition: 10 feet wide, 20 feet long, and, when in a position to move, 15 feet high.

### **SECTION 8-202: PERMIT REQUIRED**

No person shall move any building over, along or across any highway, street or alley in

the City without first obtaining a permit from the city clerk.

## **SECTION 8-203: PERMIT APPLICATION; FEE, LIABILITY INSURANCE**

1. Any person seeking issuance of a permit hereunder shall file an application for such permit with the city clerk. Upon approval of the City Council, the city clerk shall then issue the said permit.

2. The application shall be made in writing upon a form provided by the city clerk and shall set forth:

- A. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
- B. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the City;
- C. A legal description of the lot to which the proposed such building is to be removed, giving lot, block and tract number, if located in the City;
- D. The portion of the lot to be occupied by the building when moved;
- E. The highways, streets and alleys over, along or across which the building is proposed to be moved;
- F. Proposed moving date and hours;
- G. Any additional information which the City Council shall find necessary to a fair determination of whether a permit should be issued.

3. The application shall be accompanied by the following papers:

- A. *Tax Certificate.* The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any city charges against the same are paid in full.
- B. *Certificate of Ownership or Entitlement.* The applicant, if other than the owner, shall file with the application a written statement of bill of sale signed by the owner or other sufficient evidence that he/she is entitled to move the building.
- C. *Liability Policy.* The applicant shall file with the application a certificate of insurance providing coverage for both personal injury and property damage which might occur during the moving of said building. The minimum amount of coverage shall be \$10,000.00 for property damage and \$10,000.00 for personal injury. The City Council may require coverage in greater amounts if deemed necessary.
- D. *Fee.* The application shall be accompanied by a permit fee in the amount of \$25.00, which shall be paid over by the city clerk to the city treasurer, who shall credit it to the General Fund.

## **SECTION 8-204: POLES AND WIRES; WATER OR SEWER MAIN**

Whenever it is necessary for any permittee in moving a building to interfere with any electric, telephone or telegraph poles or wires, the public service company or companies owning, using or operating such poles or wires shall, upon such notice as is provided in their respective franchises (or, if no provisions for notice are made therein, then upon 48 hours notice) be present and assist in moving or, if necessary, removal of such poles and wires. The expense of said removal, as estimated, shall be paid in advance by the applicant unless otherwise provided in said companies' franchises. Whenever the moving of any

building necessitates interference with any water main or sewer main belonging to the City, notice in writing of the time and route of such building moving operations shall be given to the public works superintendent, who shall proceed on behalf of the City to make such disconnections and do such work as is necessary. The notice herein provided for shall be given to said city official or public service company or companies by the licensed house mover.

### **SECTION 8-205: DUTIES OF PERMITTEE**

Every permittee under this ordinance shall:

1. Move a building only over streets designated for such use in the written permit.
2. Notify the city clerk in writing of a desired change in moving date and hours as proposed in the application.
3. Notify the city clerk in writing of any and all damage done to property belonging to the City within 24 hours after the damage or injury has occurred.
4. Cause red lights to be displayed during night hours on every side of the building while standing on the street, in such a manner as to warn the public of the obstruction; and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building.
5. Remove the building from the city streets after four days of such occupancy, unless an extension is granted by the mayor and the City Council.
6. Comply with the building code, the fire zone, any zoning ordinances now existing or hereinafter adopted and all other applicable ordinances and laws, if any, upon relocating the building in the City.
7. Within ten days from the removal of the building, the permittee shall remove all rubbish and materials and fill all excavations to existing grade at the original site so that the premises are left in a safe and sanitary condition.
8. See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to remove their services.

### **SECTION 8-206: NO GENERAL LICENSE**

There shall be no general license or permit issued to anyone to move buildings at will or generally within the City.

## **ARTICLE III - FENCES**

(Am. by Ord. No. 646, 5/14/13)

### **SECTION 8-301: DEFINED**

For the purposes of this article, "fence" shall mean a structure without a roof, erected for a means of protection, confinement or aesthetic value, of materials such as wood, wire and metal, masonry or other materials approved by the building inspector.

### **SECTION 8-302: PERMIT REQUIRED**

Before the installation of any fence within the zoning jurisdiction of the City when the

property is used for residential purposes, the installer and/or owner of the property lawfully in possession of the land to be fenced shall first obtain a permit from the city clerk. Fences shall be governed by Section 7-11 of the Zoning Regulations.

## **ARTICLE IV – SATELLITE DISH ANTENNAS**

### **SECTION 8-401: DEFINITIONS**

1. “Dish-type satellite signal-receiving antennas,” also referred to as “earth stations” or “ground stations,” shall mean one or a combination of two or more of the following:

A. A signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.

B. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component, the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

C. A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.

2. “Receiver” shall mean a television set or radio receiver.

3. “Dish” shall mean that part of a satellite signal-receiving antenna, characteristically shaped like a saucer or dish.

4. “Grounding rod” shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

### **SECTION 8-402: PERMIT REQUIRED**

No person, firm, partnership, corporation, trust or other legal entity shall construct an earth station without a permit nor shall construction commence before a permit is issued in accordance with Section 8-403 of this article.

### **SECTION 8-403: APPLICATION FOR PERMIT**

1. The owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within the City who desires to construct an earth station on said lot, premises, or land parcel must first submit a written application upon a form provided and approved by the building inspector, stating the following:

A. The name and address of the applicant;

B. The name and address of the owner of the real estate;

C. The name and address of the person to be permitted to construct the proposed earth station;

D. The exact location and dimensions of all buildings and structures; and

E. The legal description of the lot, premises or land parcel.

2. Applicant must also provide:

A. A plot plan showing the exact location and dimensions of the proposed earth station;

B. Construction plans and specifications.

C. Documentation of the possession of any license or permit required by any federal, state or local agency pertaining to the ownership, construction or operations of an earth station.

3. The applicant shall submit with each application a permit fee in the sum of \$5.00. Such fee shall cover the costs of reviewing the construction plans and specifications, inspecting the final construction and processing the application.

4. After submission of all of the aforementioned information and documentation to the building inspector and upon his/her approval of the same, the building inspector shall issue a permit for construction of an earth station.

#### **SECTION 8-404: LOCATION OF GROUND-MOUNTED EARTH STATION**

1. No earth station shall be erected in any front or side yard but shall be permitted only in the rear of the residence or main structure.

2. No earth station, including its concrete base slab or other substructure, shall be constructed less than five feet from any property line or easement, except when the earth station is installed in an area zoned other than first or second residential, and in that event, the dish may orbit within zero feet of the lot line.

3. No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as the earth station.

4. An earth station shall not exceed a grade height of 15 feet, unless constructed on or attached to a building.

5. Wiring between an earth station and a receiver shall be placed at least four inches beneath the surface of the ground in rigid conduit; provided, however, direct burial cable may be used if the maximum voltage never exceeds 90 volts. All electrical installations are subject to inspection and must meet existing electrical codes.

6. Such earth station shall be designed to withstand a wind force of 75 miles per hour.

7. Any driving motor shall be limited to 110V maximum power design and be enclosed in protective guards.

8. An earth station must be bonded to a grounding rod.

9. Not more than one earth station shall be installed per lot, premises or parcel of land in residential districts.

#### **SECTION 8-405: ELECTRO-MAGNETIC INTERFERENCE**

Earth stations shall be filtered and/or shielded so as to prevent emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the earth station shall promptly take steps to eliminate the harmful interference, including moving the earth station, shielding the same, and if necessary, removing it.

### **ARTICLE V - PRIVATE SWIMMING POOLS**



## **ARTICLE VI - BUILDING CODES, LICENSES AND REGISTRATIONS**

### **SECTION 8-601: INTERNATIONAL BUILDING CODE; ADOPTED BY REFERENCE**

To provide certain standards, provisions, and requirements for establishing the minimum regulations governing the conditions and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, to provide for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures and to provide for the issuance of permits and collection of fees therefor, each and all of the regulations, provisions, conditions and terms of the *International Building Code*, 2012 edition, as published by the International Code Council, Inc. are hereby adopted and incorporated by reference as though printed in full herein. Three copies of said code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the *International Building Code* shall be controlling throughout the City and throughout its zoning jurisdiction. (Am. by Ord. No. 684, 2/9/16)

### **SECTION 8-602: NATIONAL ELECTRICAL CODE; ADOPTED BY REFERENCE**

To provide certain standards, provisions, and requirements for safe and fireproof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances, the *National Electrical Code*, 2014 edition, as recommended and published by the National Fire Protection Association and printed in book or pamphlet form, is hereby incorporated by reference as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. Three copies of the said code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the *National Electrical Code* shall be controlling throughout the City and throughout its zoning jurisdiction. (Am. by Ord. Nos. 576, 2/10/09; 634, 3/13/12; 663, 9/9/14; 673, 3/10/15)

### **SECTION 8-603: INTERNATIONAL PLUMBING CODE; ADOPTED BY REFERENCE**

To provide certain standards, provisions, and requirements for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems and providing for the issuance of permits and collection of fees therefor, each and all of the regulations, provisions, conditions and terms of the *International Plumbing Code*, 2012 edition, published by the International Code Council, are hereby adopted and incorporated by reference as though printed in full herein. Three copies of said code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the *International Plumbing Code* shall be controlling throughout the City and throughout its zoning jurisdiction. (Am. by Ord. No. 685, 2/9/16)

### **SECTION 8-604: INTERNATIONAL MECHANICAL CODE; ADOPTED BY REFERENCE**

To provide certain standards, provisions, and requirements for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems and providing for the issuance of permits and collection of fees therefor, each and all of the regulations, provisions, conditions and terms of the *International Mechanical Code*, 2012 edition, published by the International Code Council, are hereby adopted and incorporated by refer-

ence as though printed in full herein. Three copies of the said code, shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the *International Mechanical Code* shall be controlling throughout the City and throughout its zoning jurisdiction. (Am. by Ord. No. 686, 2/9/16)

#### **SECTION 8-605: INTERNATIONAL EXISTING BUILDING CODE; ADOPTED BY REFERENCE**

To provide certain standards, provisions, and requirements for the control of buildings and structures as herein provided, each and all of the regulations, provisions, penalties, conditions and terms of said *International Existing Building Code*, as published by the International Code Council, Inc., are hereby referred to, adopted, and made a part hereof as if fully set out herein. Three copies of said code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the *International Existing Building Code* shall be controlling throughout the City and throughout its zoning jurisdiction. (Ord. No. 687, 2/9/16)

#### **SECTION 8-606: INTERNATIONAL RESIDENTIAL CODE; ADOPTED BY REFERENCE**

To provide certain standards, provisions, and requirements for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and providing for the issuance of permits and collection of fees therefor, each and all of the regulations, provisions, conditions and terms of the *International Residential Code*, 2012 edition, published by the International Code Council, are hereby adopted and incorporated by reference as though printed in full herein. Three copies of the said code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the *International Residential Code* shall be controlling throughout the City and throughout its zoning jurisdiction. (Am. by Ord. No. 688, 2/9/16)

#### **SECTION 8-607: INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE**

To provide certain standards, provisions, and requirements for the control of buildings and structures as herein provided, each and all of the regulations, provisions, penalties, conditions and terms of the *International Property Maintenance Code*, 2012 edition, published by the International Code Council, Inc., are hereby referred to, adopted, and made a part hereof as if fully set out herein. Three copies of the said code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the *International Property Maintenance Code* shall be controlling throughout the City and throughout its zoning jurisdiction. (Am. by Ord. No. 689, 2/9/16)

#### **SECTION 8-608: ADDITIONAL STANDARDS; FOOTINGS**

1. The purpose of this section is to provide an additional minimum standard for the structural design and materials used to construct footings as provided for in the 2003 Edition of the *International Residential Code*, and amendments thereto, as recommended and published by the International Code Council.

2. Wood foundations and pole design buildings are allowed, but not within the residential zoning areas of the City nor within the platted residential areas within the City's extra-territorial jurisdiction. In the areas where wood foundations and pole design buildings are prohibited, footings shall be concrete, solid masonry, reinforced concrete, or steel grillages. When the term "pole design building" is used in this section, the definitions of this term as it appears in AWPI, *Pole Building Design 2005* are adopted.

## **SECTION 8-609: FOOTING REQUIREMENTS FOR ACCESSORY BUILDINGS**

1. Any one-story wood or metal frame building not used for human occupancy with a floor area up to 240 square feet may have a floating slab foundation or walls supported on a wood foundation plate.
2. Any building from 240 square feet to 720 square feet: a footing one foot wide, one foot deep from grade with two #4 rebar running full length of footing and #4 rebar placed approximately every four feet into floor slab.

## **SECTION 8-610: GENERAL CONTRACTORS, LICENSE; REGISTRATION, INSURANCE, FEE**

1. No person shall engage in the business of general contracting within the City's corporate limits or extraterritorial jurisdiction unless he/she shall have first registered with the City's building inspector.
2. Engaging in the business of general contracting consists of contracting for a certain price, fee, percentage or other compensation with the owner or tenant of any property to build, construct, alter, repair, remodel or demolish any building or structure upon such property or any portion thereof for which a building permit is required. Engaging in the business of general contracting does not encompass the performance of any work within a licensed trade pursuant to a city trade license or registration pursuant to this code, and does not encompass any subcontractor performing work under a contract with a general contractor registered with the City.
3. Registration with the city building inspector shall require:
  - A. Completion of a general contractor registration application form as provided by the City.
  - B. Submission of a current certificate of insurance which provides coverage for bodily injury and property damage in a minimum amount of \$300,000.00.
  - C. Payment of the registration fee as provided in Section 4-106 of this code.
4. Each license shall be current from the date of issuance up to and including the next December 31, unless sooner revoked, and shall be renewed before its expiration date by submission of the required application form, documentation and fee.

## **SECTION 8-611: LICENSING AND REGISTRATION; CERTAIN WORK BY HOMEOWNER EXCEPTED**

Any work by a homeowner shall be excepted from the license and registration requirements of this article if such work is performed by a homeowner on a single-family dwelling which he/she owns and in which he/she resides; provided, however, such work by homeowner shall still be subject to all other applicable provisions and requirements of this code.

## **SECTION 8-612: PLUMBING CODE; MASTER PLUMBERS; LICENSE**

1. No person shall engage in the business of plumbing as a master plumber within the City's corporate limits or extraterritorial jurisdiction unless he/she is the holder of a current and valid master plumber's license and has registered with the City's building inspector. In the case of any firm having more than one person engaging in plumbing, only one of such persons shall be required to qualify as a master plumber; and in the case of a legally constituted corporation, only one executive officer, who is liable to service of regular processes, shall be required to qualify as a master plumber.

2. Registration with the City's building inspector shall require:

- A. Completion of a master plumber's registration application form as provided by the City.
- B. Submission of documentation that the applicant has four years' experience as a journeyman plumber and that the applicant has passed a master plumber examination given by a recognized national testing agency with a score of 75% or higher, or submission of a copy of the applicant's current and valid City of Omaha, City of Bellevue, City of Fremont or City of Council Bluffs master plumber's license.
- C. Submission of a current certificate of insurance which provides coverage for bodily injury and property damage in a minimum amount of \$300,000.00.
- D. Payment of the fee as provided in Section 4-106 of this code.

3. Each license shall be valid from the date of issuance up to and including the next December 31, unless sooner revoked, and shall be renewed before the expiration date thereof by submitting the required application form, master plumber's license, certificate of insurance and fee.

### **SECTION 8-613: PLUMBING CODE; JOURNEYMAN PLUMBERS; LICENSE**

1. No person shall perform any plumbing work as a journeyman plumber within the City's corporate limits or extraterritorial jurisdiction unless he/she is the holder of a current and valid journeyman plumber's license and has registered with the City's building inspector.

2. Registration with the City's building inspector shall require:

- A. Completion of a journeyman plumber's registration application form as provided by the City.
- B. Submission of documentation that the applicant has four years' experience as an apprentice plumber and that the applicant has passed a journeyman plumber's examination given by a recognized national testing agency with a score of 75% or higher, or submission of a copy of the applicant's current and valid City of Omaha, City of Bellevue, City of Fremont, or City of Council Bluffs journeyman plumber's license.
- C. Payment of the fee as provided in Section 4-106 of this code.

3. Each license shall be valid from the date of issuance up to and including the next December 31, unless sooner revoked, and shall be renewed before the expiration date thereof by submitting the required application form, journeyman plumber's license, certificate of insurance and fee.

### **SECTION 8-614: PLUMBING CODE; APPRENTICE PLUMBERS; LICENSE**

1. No person shall perform any plumbing work as an apprentice plumber within the City's corporate limits or extraterritorial jurisdiction without first having obtained from the City's building inspector an apprentice plumber's license.

2. An apprentice plumber's license shall be issued to an applicant by the City's building inspector upon fulfillment of the following:

- A. Completion of an apprentice plumber's license application form provided by the City.

B. Submission of a copy of the applicant's written indentured apprenticeship agreement through a certified apprenticeship program which provides for training through employment and classroom-related instruction.

C. Payment of the fee as provided in Section 4-106 of this code.

3. An apprentice plumber's license shall authorize the licensee to perform plumbing work while on the job with and under the direct supervision of a licensed journeyman or master plumber, except that a fourth year apprentice may work by himself/herself on service and repair work. Service and repair work shall include, for the purpose of this section, only the following:

A. The cleaning of stoppages in drains, soil, waste or vent pipes.

B. The repair of leaks in pipes and valves when such repairs do not involve or require the rearrangement of valves or pipes and the total distance of the pipe to be replaced is less than 15 feet.

C. The replacement of such fixtures as water closets, lavatories, water heaters, garbage disposers, dishwashers and kitchen sinks, when such replacement does not require the rearrangement of water, waste and venting piping; provided, an apprentice may set fixtures in a new house or building or on a remodel job.

D. The replacement or repair of faucets, traps and supplies on existing fixtures.

E. The replacement of sill cocks, pressure reducing valves, backflow preventers and similar devices.

4. An apprentice plumber's license shall be valid from the date of issuance up to and including the next December 31, unless sooner revoked, and shall be renewed before the expiration date thereof by submitting the required application form, documentation and fee.

5. No master plumber shall employ any apprentice plumber who is not licensed by the City's building inspector. No more than three licensed apprentice plumbers may be supervised by a master or journeyman plumber.

#### **SECTION 8-615: ELECTRICAL CODE; ELECTRICIANS, FIRE ALARM INSTALLERS; LICENSE**

1. No person shall perform electrical work or install fire alarm systems under the State Electrical Act within the City's corporate limits or extraterritorial jurisdiction without first having registered with the City's building inspector.

2. Registration with the City's building inspector shall require:

A. Completion of an electrician's registration application form as provided by the City.

B. Submission of a copy of the person's current electrician's or fire alarm installer's license from the State Electrical Board.

C. For master electricians, submission of a current certificate of insurance which provides coverage for bodily injury and property damage in a minimum amount of \$300,000.00.

D. Payment of the fee as provided in Section 4-106 of this code.

3. Each license shall be valid from the date of issuance up to and including the next December 31, unless sooner revoked, and shall be renewed before the expiration date thereof by submitting the required application form, state license, certificate of insurance and fee.

### **SECTION 8-616: MECHANICAL CODE; MECHANICAL CONTRACTORS AND JOURNEYMEN; LICENSE**

No person shall install, repair, manufacture, replace, fit or change any air conditioning/air distribution system, any furnace, restaurant appliance hood and its duct system or any other exhaust or intake ventilating system within the City's corporate limits or extraterritorial jurisdiction without first having obtained a mechanical contractor's license or a mechanical journeyman's license from the City's building inspector.

### **SECTION 8-617: INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTED BY REFERENCE**

1. To regulate and govern energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems and to provide for the issuance of permits and collection of fees therefor, the *International Energy Conservation Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code, three copies of which are on file in the office of the city clerk, are hereby referred to, adopted, and made a part hereof as if fully set out herein, with the following revisions:

A. In Section 101.1, insert "City of Valley."

B. In Section 108.4, insert "less than \$100.00 or more than \$500.00."

2. In the event of a conflict between the provisions of the *International Energy Conservation Code* and any existing City of Valley municipal ordinance that has not been specifically repealed, then the provisions of the municipal code shall survive.

(Ord. No. 635, 4/10/12)

## **ARTICLE VII - UNSAFE BUILDINGS**

### **SECTION 8-701: DEFINITION**

The term "unsafe building" as used in this article is hereby defined to mean and include any building, shed, fence, or other manmade structure which (A) is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of its occupants or those of neighboring structures; (B) because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard; (C) by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of such structure; (D) because of its conditions or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure. Any such unsafe building in the City is hereby declared to be a nuisance. (Ref. Neb. Rev. Stat. 18-1720, 18-1722, 18-1722.01)

### **SECTION 8-702: PROHIBITION**

It shall be unlawful to maintain or permit the existence of any unsafe building in the City, and it shall be unlawful for the owner, occupant, or person in custody of any dangerous

building to permit the same to remain in an unsafe condition or to occupy such building or permit it to be occupied while it is in an unsafe condition. (Ref. Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

### **SECTION 8-703: DETERMINATION AND NOTICE**

1. Whenever the building inspector or fire chief shall be of the opinion that any building or structure in the City is an unsafe building, he/she shall file a written statement to this effect with the city clerk. The clerk shall thereupon: (A) cause the property to be posted accordingly; (B) file a copy of such determination in the office of the county register of deeds; and (C) serve written notice upon the owner and upon the occupant thereof, if any, by certified mail or by personal service. Such notice shall state that the building has been declared to be in an unsafe condition; that such dangerous condition must be abated by altering or demolishing the building; and that the condition must be remedied at once. Such notice may be in the following terms:

“To \_\_\_\_\_ (owner-occupant of premises) of the premises known and described as \_\_\_\_\_:

“You are hereby notified that \_\_\_\_\_ (describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by \_\_\_\_\_. The causes for this decision are \_\_\_\_\_ (insert the facts as to the dangerous condition). You must remedy this condition or demolish the building immediately or the City will proceed to do so.”

2. If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists within ten days from the time when this notice is served upon such person by personal service or registered mail, the building inspector or fire chief shall notify the mayor of the City of such noncompliance by filing a written report with the city clerk. The mayor shall then cause a hearing date to be fixed and notice thereof to be served upon the owner, occupant, lessee, mortgagee or agent of such building or structure found to be dangerous or unsafe. Such notice of hearing shall be by personal service or registered mail and require such party or parties to appear before the City Council to show cause why the building or structure reported to be dangerous or unsafe should not be found to be a dangerous or unsafe building or structure and a public nuisance and condemned. Such notice shall be given not less than five days prior to the time of hearing; provided, whenever the owner, lessee, occupant or mortgagee of such building or structure is a nonresident or cannot be found therein, then the city clerk shall publish in a newspaper of general circulation in the City such notice of hearing for two consecutive weeks, the last publication being at least one week prior to the date set for the hearing. (Ref. Neb. Rev. Stat. §18-1720, 18-1722. 18-1722.01)

### **SECTION 8-704: HEARING AND APPEAL**

Upon receiving the notice to repair or demolish the said building, its owner may, in writing to the city clerk and within the time stipulated, request a hearing before the City Council, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The City Council shall grant such hearing within ten days from the date of receiving the request. A written notice of the Council's decision following the hearing shall be sent to the property owner by certified mail. If the Council rejects the appeal, the owner shall have five days from the sending of the decision to begin repair or demolition and removal. If the owner has not begun work after the five-day period, the City Council shall proceed to cause such work to be done; provided, the property owner may appeal such decision to the appropriate court for adjudication, during which proceedings the decision of the Council shall be stayed. Where the City has not adopted a building

code, the statutes of Nebraska relating to bonded indebtedness and collection of delinquent taxes shall apply. (Ref. Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

## **SECTION 8-705: SPECIAL ASSESSMENTS**

If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the City to repair, rehabilitate or demolish and remove a building or structure which is unsafe and a public nuisance, the City may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be forwarded to the City Council, which may (A) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located, such special assessment being a lien on the real estate and collected in the manner provided for special assessments; or (B) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. (Ref. Neb. Rev. Stat. §1 8-1720, 18-1722, 18-1722.01, 77-1725)

## **SECTION 8-706: STANDARDS FOR REPAIR, VACATION OR DEMOLITION**

The following standards shall be followed in substance by the building official on ordering repair, vacation or demolition:

1. If the dangerous or unsafe building or structure can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.

2. If the dangerous or unsafe building or structure is in such condition as to make it dangerous or unsafe to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

3. Conditions for demolition: (A) In any case where a dangerous or unsafe building or structure is 50% damaged or decayed, or deteriorated from its replacement value or structure, it shall be demolished. (B) In all cases where a building or structure cannot be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be demolished. (C) In all cases where a dangerous or unsafe building or structure is a fire hazard existing or erected in violation of the terms of this article or of any other provisions of this code or of state statutes, it shall be demolished.

## **ARTICLE VIII - PRIVATE WATER SYSTEMS**

### **SECTION 8-801: SCOPE**

The provisions of this article shall apply to all private water supply systems in the corporate limits of the City and its one-mile zoning jurisdiction.

### **SECTION 8-802: DEFINITIONS**

For the purpose of these regulations, the following terms, phrases, words, and their derivations shall have the meaning given herein. The word "shall" as used herein is mandatory and not merely directory.

"Building inspector" shall mean the building inspector of the City of Valley, Douglas County, Nebraska.

"Health officer" shall mean the director of the Douglas County Health Department or his/her authorized representative.



“Private water supply system” shall mean a water supply system not operated by a governmental subdivision.

“Well” shall mean the structural assembly constructed for the purpose of extracting water from the ground.

### **SECTION 8-803: SANITATION REQUIREMENTS**

In order to protect the general health, safety and welfare of the people of the City and the general public, private water supply systems shall be constructed, used and maintained in accordance with the following standards and requirements:

1. A well shall be located so as to be no nearer than 100 feet to any septic tank system, cesspool, privy, feed lot, barnyard or animal or fowl pen, or any other known source of contamination.

2. A well shall be constructed so as to exclude dust, dirt or foreign material of any kind and to exclude surface water and any ground water above a depth of ten feet.

3. A well shall not be constructed as a driven or sandpoint well.

4. If stock or fowl are watered from wells controlled by this article, all automatic stock or fowl watering devices shall be provided with backsiphonage devices approved by the health officer. Any cross-connections between a private water supply system or private well and the city municipal water supply system are expressly prohibited.

### **SECTION 8-804: CONSTRUCTION REQUIREMENTS**

In addition to the sanitation requirements for private water supply systems listed above, all such systems shall be constructed, altered, maintained and used in accordance with the regulations and standards set forth in Title 178, Department of Health and Environmental Control Council, Chapter 12: “Regulations Governing Water Well Construction, Pump Installation and Water Well Abandonment Standards”, including future amendments. A copy of said regulations and standards shall be available for public inspection at the city clerk’s office.

### **SECTION 8-805: QUALITY OF WATER**

The sanitary quality of water from private water supply systems shall be determined by the bacteriological, chemical and physical standards as promulgated by the most recent edition of the “Public Health Service Drinking Water Standards.”

### **SECTION 8-806: PERMITS AND FEES**

It shall be unlawful for any person to construct, alter or modify private water supply systems without first obtaining a valid permit issued by the Douglas County Health Department, which shall be in addition to the building permit or any other required permit. A permit for a private water supply system may be denied where the municipal water supply is available within 300 feet from the property to be served. Appropriate fees for said permit shall be payable to the Douglas County Health Department. In addition, an electrical permit must be obtained from the City. The fee for an electrical permit in conjunction with the Douglas County Health Department permit to construct a private water supply shall be payable to the City in an amount determined by resolution by the City Council.

### **SECTION 8-807: INSPECTIONS**

The health officer is hereby authorized and directed to make such inspections as are

necessary to determine satisfactory compliance with these regulations and standards.

### **SECTION 8-808: PENALTY FOR VIOLATIONS**

Any person, firm or corporation who violates any of the provisions of this article shall, upon conviction, be fined in any sum not to exceed \$250.00 or be sentenced to be imprisoned not to exceed 30 days in jail, at the discretion of the Court.

### **SECTION 8-809: ABATEMENT OF NUISANCE**

Whenever a nuisance exists as defined in this article, the City may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. Whenever in any action it is established that a nuisance exists, the Court may, together with the fine or penalty imposed, enter an Order of Abatement as part of the judgment in the case.

### **SECTION 8-810: WATER SERVICE AND DRAIN LAYER; LICENSE**

1. No person shall tap water mains, install curb stops, install water service lines, or construct, lay, install, replace or repair sanitary sewer lines, septic tank systems or septic tank fields within the City's corporate limits or extraterritorial jurisdiction without first having obtained from the City's building inspector a water service and drain layer's license.

2. A water service and drain layer's license shall be issued to an applicant by the City's building inspector upon fulfillment of the following:

- A. Completion of a water service and drain layer's license application form provided by the City.
- B. Submission of documentation that the applicant has three years' experience as an apprentice plumber or equivalent.
- C. A written endorsement of a master plumber who is registered as a master plumber with the City.
- D. Payment of the fee as provided in Section 4-106 of this code.

3. A water service and drain layer's license shall be valid from the date of issuance up to and including the next December 31, unless sooner revoked, and shall be renewed before the expiration date thereof by submitting the required application form, documentation and fee.

### **SECTION 8-811: LAWN SPRINKLER INSTALLER; LICENSE**

1. No person shall install lawn sprinkler systems from the backflow prevention device in and through any lawn or yard within the City's corporate limits or extraterritorial jurisdiction without first having obtained a lawn sprinkler installer's license from the City's building inspector.

2. A lawn sprinkler installer's license shall be issued to an applicant by the City's building inspector upon fulfillment of the following:

- A. Completion of a lawn sprinkler installer's license application form provided by the City.
- B. Submission of documentation that the applicant has two years' experience in lawn sprinkler installations.
- C. Payment of the fee as provided in Section 4-106 of this code.

3. A lawn sprinkler installer's license shall be valid from the date of issuance up to and including the next December 31, unless sooner revoked, and shall be renewed before

the expiration date thereof by submitting the required application form, documentation and fee.

## **ARTICLE IX - PENAL PROVISION**

### **SECTION 8-901: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, whether set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and fined in a sum of not more than \$500.00. Each day's maintenance of the same shall constitute a separate offense.