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CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Inspector

SECTION 9-101: DUTIES

The zoning administrator shall be the city building inspector as provided in Section 10-1601 of the zoning regulations. The city building inspector, subject to the orders and directives of the mayor and City Council, shall:

- A. Have the general charge of building inspection;
 - B. Administer the building permits system under the zoning and subdivision ordinances, including inspecting construction, surveying for unauthorized construction or demolition, and the necessary keeping of records and reports;
 - C. Inspect any building or structure suspected of being dangerous or unsafe as provided in Chapter 3, Section 3-502.
 - D. Perform such other duties as the City Council may require.
- (Ord. No. 1044, 10/3/79)

Article 2 – Building Permits

SECTION 9-201: REQUIREMENTS

Building permit requirements shall be as provided in Article 16 of the Zoning Regulations, Sections 10-1602 through 10-1612.

Article 3 – Main Street Buildings

SECTION 9-301: ROOF DRAINAGE

A. Any building erected, constructed, relocated, converted or moved after the effective date of this section on property abutting Main Street between Fourth Street and First Street shall have a roof sloping away from Main Street at a minimum slope of one-fourth of an inch vertical decline for each one foot of horizontal length away from Main Street and shall provide for the drainage of accumulated precipitation to the alley behind said building.

B. No building erected, constructed, relocated, converted or moved after said date shall have a roof which allows water to run off the side facing of the building toward Main Street or off the sides of the building facing toward the sides of such lot or lots upon which said building is located.

C. Any such building which allows water to run off the front or sides of such building abutting Main Street into eaves or troughs shall be considered in violation of subsection (B) of this section and the use of such eaves or troughs is prohibited.

(Ord. No. 1066, 12/3/80)

Article 4 – Construction Codes Adopted

SECTION 9-401: BUILDING CODE; ADOPTED BY REFERENCE

The International Building Code (IBC), most recent edition, published by the International Code Council, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the IBC shall be controlling throughout the City and throughout its zoning jurisdiction. One copy of the IBC shall be kept on file at the office of the city clerk and available for public inspection. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922) (Am. Ord. No. 1466, 9/10/03)

SECTION 9-402: PLUMBING CODE; ADOPTED BY REFERENCE

The National Standard Plumbing Code, most recent edition, published by the International Association of Plumbing & Mechanical Officials, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the Plumbing Code shall be controlling throughout the City and throughout its zoning jurisdiction. It is further hereby declared unlawful to install plumbing unless such plumbing or water service shall be installed strictly in accordance with the provisions of said code or any amendments thereto. One copy of the Plumbing Code shall be kept on file at the office of the city clerk and available for public inspection. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922) (Am. Ord. No. 1274, 7/9/90)

SECTION 9-403: ELECTRICAL CODE; ADOPTED BY REFERENCE

The National Electrical Code, most recent edition, as recommended by the National Fire Protection Association, is hereby adopted and incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the electrical code shall be controlling throughout the City and throughout its zoning jurisdiction. One copy of the Electrical Code shall be kept on file at the office of the city clerk and available for public inspection. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

Article 5 – Building Moving and Demolition

SECTION 9-501: PERMIT REQUIRED

It shall be unlawful for any person, firm, or corporation to move or demolish or cause to be moved or demolished any building or structure within, into, through, or from the City without first obtaining a written permit to do so. Such permit shall be known as a "building moving permit" or "building demolition permit," as appropriate. (Am. Ord. No. 1249, 5/3/89)

SECTION 9-502: MOVING; APPLICATION FOR PERMIT

A. Any person desiring a building moving permit shall file with the city clerk an application in writing on a form furnished by the City. Such application shall state:

1. The character and size of the building to be moved;
2. The purpose for such moving;
3. The use, purpose and occupancy for which such building or structure is to be used;
4. The location from which and to which said building is to be moved or demolished and to which said building is to be moved if appropriate;
5. A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the City;
6. The streets on, over or through which it is desired to move said building;
7. Whether the building conforms to zoning laws in the location to which it is to be moved.

B. The application shall be accompanied by a certificate issued by the county treasurer to the effect that all provisions regulating the moving or demolition of buildings have been complied with on the part of the owner of the real estate upon which said building is presently located.

C. The application shall be accompanied by a certificate issued by the county treasurer evidencing payment of all real estate taxes due and payment of all special assessments levied prior to the date of application, with respect to the property from which such building or structure is to be removed or demolished.

(Am. by Ord. 1249, 5/3/89)

SECTION 9-503: MOVING; INVESTIGATION

Upon the filing of the application, the street superintendent or designee shall investigate the building and report to the city clerk the results of such investigation, together with recommended action thereon. (Am. Ord. 1249, 5/3/89)

**SECTION 9-504: CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED;
BOND OR DEPOSIT REQUIRED**

A. Prior to the issuance of a permit to move or demolish a building, the owner or lessee of the property from which the building is to be moved or demolished shall file with the city clerk a bond or other form of security in favor of the City conditioned as follows:

1. Before any work is started on a building or structure, the permittee or authorized agent shall notify the appropriate utilities in order that all gas, water, and sewer pipelines that are to be disconnected from the building may be securely capped and sealed;
2. Immediately after the moving or commencement of demolition of any building or structure, the permittee or authorized agent shall securely barricade all basement excavations and other holes or openings;
3. Within 30 days after the moving or commencement of demolition of any building or structure, the permittee or authorized agent shall complete the following work:
 - a. Securely close and seal any sanitary piping located on the property;
 - b. Fill with dirt or sand any septic tanks or cesspools located on the property;
 - c. Fill any openings or excavations and remove any basements or other structures remaining below the land and fill with dirt or sand to street level and the natural level of adjoining property unless otherwise directed by the street superintendent;
 - d. Remove any buried underground tanks formerly used for storage of flammable liquids; and,
 - e. Remove all refuse, debris and waste materials from the property. Such materials shall not be used as fill for any openings, excavations or basements on the property.

B. The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the street superintendent. The bond

may be in the form of a corporate surety bond or cash deposit. An extension of time for completion of the work required by this section may be granted by the street superintendent when, in the exercise of reasonable discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section. (Am. Ord. 1249, 5/3/89)

SECTION 9-505: INSPECTION FEE AND PERMIT FEE; EXCEPTION

An inspection fee shall be paid to the city clerk upon filing of each application for a building moving permit or a building demolition permit. A permit fee shall be paid to the city clerk upon the issuance of each building moving permit or building demolition permit. Such inspection fee and permit fee shall be set by the City Council and filed in the office of the city clerk for public inspection. No inspection fee or permit fee shall be required if the building or structure to be moved or demolished is 150 square feet or less in area.

SECTION 9-506: SUSPENSION OR REVOCATION OF PERMIT

The street superintendent at any time and for sufficient cause may revoke or suspend any permit granted under this article. (Am. Ord. No. 1249, 5/3/89)

SECTION 9-507: MOVING; TERMS AND CONDITIONS OF PERMIT

When a building moving permit is granted, such terms and conditions as may be deemed reasonable and proper may be imposed, including but not limited to (A) the public streets or other public property in the City on, over or through which the building or structure shall be moved and (B) the requirements of changes, alterations, additions or repairs to be made to or upon or the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements or either in the district to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.

SECTION 9-508: MOVING; ESTIMATE OF COSTS AND DEPOSIT

The applicant shall also deposit with the city clerk a cash deposit sufficient to cover the cost to the City, as estimated by the street superintendent, of trimming, moving, removing or replanting of trees or shrubs and of moving, removing or displacing any pole or other structure, supporting any wires, cable or other equipment belonging to the City or the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the City.

SECTION 9-509: MOVING; LIABILITY INSURANCE

Every person moving a building in the City shall file with the city clerk a liability insurance policy issued by a solvent corporation holding a certificate of authority to do

insurance business in this state, which policy shall conform in all respects to the requirements of this section. In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this section has been issued and shall set forth the expiration date of said policy. The liability policy required under this section shall insure the person moving a building against loss from the liability imposed by law for injury to or death of any person or damage to any property growing out of the moving of such building to the amount or limit of \$50,000, exclusive of interest and costs, on account of injury to or death of any one person, and subject to the same limit, as respects injury to or death of one person, of \$100,000 exclusive of interest and costs, on account of moving any one building resulting in injury to or death of more than one person and of \$25,000 for damage to property of others resulting from moving any one building.

SECTION 9-510: MOVING; OWNER'S COMPLETION BOND OR CASH DEPOSIT

Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the city clerk a corporate surety bond conditioned as follows:

A. That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the said permit shall be fully performed and completed within a reasonable time, to be specified by the street superintendent in the permit.

B. Such bond shall be in the principal amount equal to the estimated cost of the work proposed to be done, plus 10% thereof, shall name the City as obligee, and shall be in a form approved by the city attorney.

C. In lieu of furnishing such corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond. An extension of time for said completion may be granted in writing by the street superintendent when in his or her discretion circumstances shall so justify but no such extension shall release any surety or other security.

SECTION 9-511: MOVING; ISSUANCE OF PERMIT

The street superintendent shall approve the issuance of a building moving permit when all the necessary requirements and conditions of this article have been complied with. The street superintendent may, in the exercise of reasonable discretion, waive in writing any requirements of this article pertaining to a building moving permit except Sections 9-501 (Permit Required) and 9-505 (Inspection Fee and Permit Fee) if the building or structure to be moved is not the principal building or structure located on said real estate and the building or structure is 14 feet wide or less and, when in position to move, is 18 feet high or less. It shall be the duty of the city clerk to issue the permit. (Am. Ord. No. 1249, 5/3/89)

SECTION 9-512: MOVING; DENIAL OF PERMIT

A. No permit shall be issued to move any building or structure which, in the opinion of the street superintendent:

1. Is so constructed or in such condition as to be dangerous;
2. Is infested with pests or is unsanitary;
3. If a dwelling or habitation, is unfit for human habitation;
4. Is so dilapidated, defective, unsightly or in such condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of 500 feet from the proposed site;
5. If the proposed use is prohibited by the zoning laws of the City;
6. If the structure is of a type prohibited at the proposed location by any ordinance of the City;
7. If the moving of the building or structure causes unreasonable damage to the trees, plants and shrubs on and along the public streets.

B. If the condition of the building or structure, in the judgment of the street superintendent, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth in this article.

SECTION 9-513: MOVING; APPROVAL OF ROUTE

The streets over which any building or structure is to be moved must be approved by the street superintendent and the chief of police.

SECTION 9-514: MOVING; CONTROL AND SUPERVISION

Every building which is moved on, over or through any public street, way or park in the City shall be under the control of the street superintendent. Every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of said street superintendent. This section in no way relieves the person having charge of the moving of any building of his or her obligation to furnish proper supervision.

SECTION 9-515: 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 have all excavations, open

basements, building materials, and debris protected by suitable guards or barricades by day and by warning lights at night during the course of such work. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this section and the street superintendent shall stop all work until guards are erected and maintained as required.

SECTION 9-516: MOVING; NOTICE REQUIRED

Notice must be given by the person to whom the permit is issued or his or her representative to both the Street Department and the city police not less than 36 hours or more than 48 hours before the actual work of moving a building or structure is to commence.

SECTION 9-517: MOVING; DEFAULT IN PERFORMANCE OF CONDITIONS

Whenever a default has occurred in the performance of any term or condition or any permit, written notice thereof shall be given to the permittee by the street superintendent or city clerk, said notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done or pay over to the city clerk the estimated cost of doing the work as set forth in the notice, plus 10% of said estimated cost. Upon receipt of notice from the city clerk that the permittee has deposited such money, the street superintendent shall cause the required work to be performed and completed. If the permittee defaults, the City shall have the option, in lieu of completing the work required, to demolish the building or structure and to clear, clean and restore the site or sites.

SECTION 9-518: MOVING; OBSTRUCTING STREETS

No person owning or having charge of the moving of any building or structure into, on, over, through, or from any public streets, ways or parks in the City shall permit said building or structure to remain in any one location on any such street, way or park for a period longer than 24 hours except by written permission obtained from the street superintendent, or to obstruct traffic on any railroad.

SECTION 9-519: MOVING; WIRE AND STRUCTURAL SUPPORTS

In the event that the moving of any building for which a permit has been granted hereunder makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public utility or of the City or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted or his or her authorized representative shall obtain permission in writing from the owner or owners of such pole, structure or the wires, cables or other equipment thereon and shall notify such owner or owners at least 48 hours prior to the time that the moving of such building will necessitate the removal of such obstructions. The permittee shall not at the

expiration of said time of notice or at any time, cut, move or in any way disturb such public utility or city property and such work shall be done only by the authorized workmen of the utility or the City, whichever is the owner. The said permittee shall pay to said public utility, or to the City, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

SECTION 9-520: MOVING; TREES, PLANTS AND SHRUBS

In the event that the moving of any building or structure for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the City, the permittee or his or her authorized representative shall notify the street superintendent at least 48 hours prior to the time that the moving of such building or structure will necessitate the removal of such obstructions. The person to whom said permit is granted shall not at the expiration of said time of notice or at any time, trim, move, remove, replant or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the City unless otherwise approved and so ordered by the street superintendent. The permittee shall pay to the City any and all costs or expense for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.

SECTION 9-521: MOVING; REPAIRS TO PUBLIC PROPERTY

In the event that the moving of any building for which a permit has been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the City may have, the street superintendent may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein or he or she may authorize the permittee or his or her authorized representative upon written notice from the street superintendent to make all necessary repairs to such streets or property; provided, however, that should said person to whom said permit has been granted and to whom said notice has been given or his or her authorized representative fail to make said necessary repairs within the period of time designated in said written notice, said street superintendent may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

SECTION 9-522: MOVING; REFUND OF DEPOSIT

When the moving of any building for which a permit has been granted is completed and all damage to public streets and other property has been repaired to the satisfaction of the street superintendent and all costs of repairing damage or performing other work as provided herein have been paid, the deposit as required by Section 9-508 (Estimate of Costs and Deposit) hereof or such portion thereof then remaining unused under the provisions of this article shall be refunded upon surrender of the deposit receipt representing the said money so deposited. Should the cost, however, of repairing damages and/or performing other work as in this article provided exceed the total amount of money deposited, the person to whom said permit was granted shall be held

liable for the amount of damage and other costs which are in excess of the amount deposited and it shall be the duty of the city clerk, upon receipt of the request from the street superintendent, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted. (Am. Ord. No. 1249, 5/3/89)

Article 6 – Television Masts and Antennas

(Ord. 483, 12/4/57)

SECTION 9-601: CONSTRUCTION

A. Masts and antennas shall be designed and installed in such a manner as to withstand a load of one-half inch of radial ice and resist a wind pressure of 16 lbs. per square foot of the ice-loaded antenna and appurtenances.

B. When a mast or antenna is installed on a roof, it must be mounted on an approved base, securely anchored to the roof. Masts and antennas must not be fastened directly to the roof or supported by combustible members or materials. No mast or antenna shall be fastened to or in any manner braced or supported by a chimney, vent or other structure that extends vertically from a roof. Anchor screws for roof antenna guys shall be securely fastened to rafters, beams, or other substantial framing members of the structure upon which mounted and shall not be guyed to any other structure, object or thing. Masts and antennas shall be installed with clearance from existing power and communication lines.

C. Every roof-mounted mast or antenna, including base, guys, anchors, turnbuckles and all other appurtenances shall be on noncombustible material and either corrosion-resistant or adequately treated or painted to resist corrosion.

D. Turnbuckles must be securely locked against turning loose from vibration. Guy wires shall not be less than 3/32 of an inch, six-strand galvanized cable. The attachment of guys to anchors, masts, turnbuckles or other fastenings shall be made with adequate guy thimbles or equivalent.

E. Where good construction requires guy wires, there shall be four equally spaced guy wires for the first 20 feet of mast height, except that where roof design makes the use of three guy wires a better type of construction, the number may be reduced to three not less than 115° apart. Additional sets of guy wires with separate roof anchors shall be installed for each additional 10 feet of height. No antenna over 10 feet in height shall be installed without guy wires.

SECTION 9-602: GROUND-SUPPORTED TV ANTENNAS

In the case of ground-supported antennas, a wooden pole may be used when the portion in contact with the ground is adequately treated with satisfactory wood preservative. Pole steps shall not be installed closer than 7½ feet from the ground or other readily accessible place. No guy wire may be attached to any tree and must be sustained by an approved support.

SECTION 9-603: GROUNDING

A. Every antenna or mast must be solidly grounded for protection against lightning discharge, using a ground conductor not smaller than No. 8 AWG copper wire or its approved equivalent, connected with an approved clamp to a one-half inch-by-8-foot copper-clad approved ground rod. An approved ground rod shall have the copper covering permanently and effectively welded to the steel core and the proportion of copper shall be such that the minimum conductance is not less than 30% of the conductance of an equivalent cross section of solid copper. The ground rod shall be located a minimum of 2 feet from any foundation or other underground structure and shall be driven vertically downward until the top is from 3 inches to 6 inches below the ground surface. The ground conductor leading from the house or other supporting structure shall be unspliced and run as nearly in a straight line as is practicable and shall be buried to a depth of 6 inches.

B. When aluminum ground wire is used, it shall be spliced into copper wire with an approved copper-to-aluminum connector 2 feet above the ground at location of ground rod.

C. Aluminum wire must not be installed in contact with the earth.

D. If a water piping system is located within 6 feet of the antenna grounding system, it must be bonded to the antenna ground electrode; except that if the antenna ground electrode develops over 25 ohms resistance, it must be bonded to the water piping system nearest to the point of entrance within the building.

E. Lightning rod grounds, if located within 6 feet of antenna grounding system, must be bonded together with approved grounding clamps.

F. Where the above-described artificial ground is impractical, the state fire marshal shall authorize an alternate.

SECTION 9-604: TRANSMISSION LEAD-IN CONDUCTORS

Transmission lead-in conductors must be kept at least 12 inches clear of existing telephone or electric power wires and be properly supported to prevent their swinging into these conductors in case the transmission lead-in conductor should break. In no event shall the distance between supports exceed 10 feet. All lead-in conductors must be adequately protected with approved-type lightning arrestors. When lead-in conductors of polyethylene ribbon type or any other type are used, except coaxial cable with grounded sheath, lightning arrestors shall be connected to each conductor. Any lead-in conductor which is not supported every 10 feet must be installed on a strain messenger wire.

SECTION 9-605: REGULATION COMPLIANCE

Existing antennas which are repaired or altered must meet these regulations.

Article 7 – Housing Code

SECTION 9-701: TITLE

This article shall be known as the Minimum Standards Housing Code, may be cited as such, and is herein referred to as "this code."

SECTION 9-702: SCOPE

This article shall apply to all buildings or portions thereof used, designed or intended to be used for human habitation excluding such institutional buildings as jails, hospitals and sanitariums.

SECTION 9-703: DEFINITIONS

"Apartment" shall mean a room or suite of rooms occupied or which is intended or designed to be occupied as the home or residence of one individual, family or household for housekeeping purposes.

"Apartment house" shall mean any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as a home or residence of more than two families living independently of each other.

"Approved" shall mean approval by the building inspector under the provisions of this code or approved by other authority designated by law to give approval in the matter in question.

"Basement" shall mean a portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

"Building" shall mean any building, structure, or portion thereof which is used, designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes or any combination thereof.

"Building inspector" shall mean the officer charged with the administration and enforcement of this code or his or her regularly authorized deputy. This individual shall be designated by the City Council.

"Cellar" shall mean the portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

"Dwelling" shall mean any building, mobile home, or part thereof used and occupied for human habitation or intended to be so used; provided, "temporary housing" as hereinafter defined shall not be regarded as a dwelling.

"Dwelling unit" shall mean any room or group of rooms located within a dwelling and

forming a single habitable unit with living, sleeping, cooking and eating facilities.

“Extermination” shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

“Family” shall mean a group of persons related by blood, marriage or adoption within and including the degree of first cousins.

“Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

“Habitable room” shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets and storage spaces.

“Health officer” shall mean a legally designated head of the Department of Health of any city, governmental unit, or combination thereof.

“Hotel” (see rooming house)

“Infestation” shall mean the presence within or around a dwelling of any insects, rodents or other pests.

“Multiple dwelling” shall mean any dwelling containing two or more dwelling units.

“Occupant” shall mean any person living, sleeping or eating in, or having actual possession of a dwelling unit or rooming unit, whether in possession or not; or any person who shall have charge, care or control of any dwelling, dwelling unit or building as owner or agent of the owner or as executor, administrator, trustee or guardian of the estate of the owner.

“Person” shall mean any individual, firm, corporation, association, partnership or trust.

“Plumbing” shall mean all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, shower baths, clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

“Rooming house” shall mean any dwelling or that part of any dwelling containing one or more rooming units in which space is let for money or other in-kind services by the owner to five or more persons who are not husband or wife, son or daughter, mother or father, or sister or brothers of the owner or operator.

“Rooming unit” shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

“Rubbish” shall mean all waste materials except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass, crockery and dust.

“Supplied” shall mean paid for, furnished or provided by or under the control of the owner.

“Temporary housing” shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

SECTION 9-704: MINIMUM STANDARDS

No person shall occupy any dwelling or dwelling unit as owner/occupant or let to another for occupancy for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements.

SECTION 9-705: BASIC FACILITIES

A. *Kitchen Sink.* Every dwelling unit shall contain a kitchen sink on nonporous material in good working condition and properly connected to a water and sewer system approved by the building inspector.

B. *Water Closet.* Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet and a lavatory basin in good working condition, properly connected to a water and sewer system approved by the building inspector.

C. *Bathtub or Shower.* Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the building inspector.

D. *Hot and Cold Water.* Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this article shall be properly connected with both hot and cold water lines.

E. *Water Heating Facilities.* Every dwelling shall have supplied water heating facilities which are properly installed, maintained in safe and good working condition, properly connected with the hot water lines required under the provisions of this article

and capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° F.

F. *Potable Water.* Every dwelling, dwelling unit and rooming house shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.

G. *Plumbing.* All plumbing shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions and shall be properly connected to sewer lines that discharge into a public sewerage system or if no public system is available, into a private or jointly owned system meeting the requirements of the county and state health departments.

H. *Rubbish Storage.* Every dwelling unit shall be supplied with adequate rubbish storage facilities.

I. *Garbage Disposal.* Every dwelling unit shall have adequate garbage disposal facilities or garbage containers.

J. *Means of Exit.* Every dwelling unit shall have safe, unobstructed means of exit leading to safe and open space at ground level.

SECTION 9-706: LIGHT, VENTILATION AND HEATING; WINDOW

A. *Windows.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room, shall be 10% of the floor area of such room. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

B. *Adequate Ventilation.* Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total of opening window areas in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size, as required in this article, except where there is supplied some other device affording adequate ventilation and approved by the building inspector.

C. *Bathroom and Water Closet.* Every bathroom and water closet compartment shall have adequate light and ventilation in consonance with good health standards.

D. *Electric Service.* Where there is electric service available from power lines not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor or wall-type electric convenience outlets or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, maintained in good and safe working condition, and connected to the source of electric power in a safe manner.

E. *Heating Facilities.* Every dwelling shall have heating facilities which are properly installed, maintained in safe and good working condition and capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of 70° F. at a distance 3 feet above floor level when the temperature outside is -10° F.

F. *Public Halls and Stairway Lighting.* Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

G. *Screens.* During that portion of each year when the health officer deems it necessary for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be supplied with screens.

H. *Rodent Screens.* Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their nuisance.

SECTION 9-707: SPACE, USE AND LOCATION REQUIREMENTS

A. *Floor Space.* Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

B. *Ceiling Height.* At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total area of the room for the purpose of determining the maximum permissible occupancy thereof.

C. *Habitable Cellar.* No cellar space shall be used or considered as a habitable room or dwelling unit.

D. *Habitable Basement.* No basement shall be used as a habitable room or dwelling unit unless:

1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
2. The total of window area in each is equal to at least the minimum window area sizes as required in Section 9-706 of this article;
3. Such required minimum window area is located entirely above the grade of the ground adjoining such window area;
4. The total of opening window areas in each room is equal to at least the minimum, as required under Section 9-706 in this article, except where there is supplied some other device affording adequate ventilation and approved by the building inspector; and
5. There are adequate exits as required by state and city laws and regulations.

E. *Access to Bathroom and Bedroom.* No dwelling or dwelling unit containing two or more sleeping rooms shall have room arrangements such that access to a bathroom or toilet (water closet) room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or bathroom or toilet (water closet) room.

SECTION 9-708: STRUCTURAL REQUIREMENTS

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming unit, rooming house, or dwelling unit which does not comply with the following minimum standard for safe and sanitary maintenance:

A. *Exterior Foundation Walls and Roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight, watertight, and rodent-proof; all exterior walls shall be made impervious to the adverse effects of weather by periodic application of paint or a similar protective coating and shall be kept in a sound condition and good repair. All foundation walls and exterior roofs shall be maintained in a safe manner and capable of supporting the loads which normal use may cause to be placed thereon.

B. *Interior Floor, Walls and Ceilings.* Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair, and

shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

C. *Windows and Doors.* Every window, exterior door and basement or cellar door and hatchway shall be substantially weather-tight, watertight and rodent-proof and shall be kept in sound working condition and good repair.

D. *Stairs, Porches and Appurtenances.* Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

E. *Bathroom Floors.* Every bathroom floor, surface and water closet compartment floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

F. *Supplied Facilities.* Every supplied facility, piece of equipment or utility which is required under this code shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

G. *Drainage.* Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

SECTION 9-709: RESPONSIBILITIES OF OCCUPANTS

It shall be the responsibility of all occupants:

A. To keep the dwelling, dwelling unit and premises which he or she controls and occupies in a clean and sanitary condition.

B. To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city regulations.

C. To hang and remove screens from storm doors and windows provided by the owner except where the owner has agreed to supply such services.

D. To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.

E. To exterminate in the following cases:

1. The occupant of a single dwelling is responsible for extermination of any insects, rodents or other pests therein or on the premises.

2. The occupant of a single dwelling unit in a multiple unit structure is respon-

sible for extermination of any insects, rodents or other pests if his or her unit is the only unit infested.

3. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a rat-proof or reasonably insect-proof condition, the occupant is not responsible for extermination of any insects, rodents or other pests therein.

F. No occupant shall willfully destroy, deface or impair any of the facilities, equipment or any part of the structure of a dwelling unit, dwelling, multi-dwelling or apartment.

G. It shall be unlawful for the owner or occupant of a dwelling to utilize the premises of such dwelling for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash or garbage upon notice from the building inspector. For the purposes of this section, an "abandoned motor vehicle" is defined as one that is in a state of disrepair and incapable of moving under its own power.

SECTION 9-710: RESPONSIBILITIES OF OWNERS

It shall be the responsibility of all owners:

A. Where there are two or more dwelling units, to maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

B. To have dwellings in clean, sanitary, habitable condition; to free the same from infestation before renting or leasing; to paint walls and ceilings; and to clean, repair and exterminate if needed in order to meet aforesaid requirements before offering for rent or lease.

C. To provide every door opening directly from a dwelling unit to outdoor space with screens and a self-closing device and every window or other device openings to outdoor space, used or intended to be used for ventilation, with screens.

D. To exterminate the following infestation cases:

1. When infestation exists in two or more units of a multiple-unit structure.
2. When infestation exists in shared or public areas of a multiple-unit structure.
3. When infestation exists in a single-unit of a multiple-unit structure or in a

single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a rat-proof and reasonably insect-proof condition.

E. To perform the responsibilities of the occupant when premises are vacant.

SECTION 9-711: ROOMING HOUSE; PERMIT REQUIRED

A. No person shall operate a rooming house, or shall occupy or let to another, for occupying any rooming unit in any rooming house except in compliance with the provisions of this article, except as provided in this section. No person shall operate a rooming house unless he or she holds a valid rooming house permit issued by the building official in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the building inspector for such permit, which shall be issued by building inspector upon compliance by the operator with the applicable provisions of this article and of any rules and regulations adopted pursuant thereto. Said permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the building inspector within 24 hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding the ownership or control of such rooming house. Every rooming house permit shall expire at the end of one-year following its date of issuance unless sooner suspended or revoked as hereinafter provided.

B. Every rooming house shall comply with the following provisions:

1. *Water Closet, Lavatory Basin, Bath Facilities.* At least one flush water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each eight persons residing within a rooming house wherever they share the use of said facilities; provided, in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such required facility shall be located so as to be more than one floor removed from any rooming unit.
2. *Bedding and Towels.* The operator of every rooming house shall change supplied bedding and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
3. *Floor Space for Sleeping Purposes.* Every room occupied for sleeping

purposes by one person shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

4. *Means of Exit.* Every rooming unit shall have safe unobstructed exits leading to safe and open space at ground level as required by the laws of this city and this state.
5. *Sanitary Maintenance.* The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

SECTION 9-712: ADMINISTRATIVE PROCEDURES; INSPECTION REPORT

A. The building inspector shall, for each inspection made, make an inspection report noting any violations of this article or conditions which indicate that a dwelling is unfit for human habitation or that any other building is unsafe. He or she shall give a copy to the owner or occupant or both, as the case may require, and shall retain one copy. Except where a complaint as provided in subsection (B) is served at the time of inspection, the report shall serve as notice to the affected persons that there is a violation of this article and may contain a time limit for compliance.

B. The building inspector may issue and cause to be served, in the manner prescribed in subsection (C), a complaint charging that a dwelling is unfit or that any building is unsafe. If the inspection discloses a basis for so charging, the complaint shall state:

1. That a hearing will be held before the building inspector (or designated agent) at a place therein fixed not less than ten days nor more than 30 days after the serving of the complaint;
2. That the owner and parties in interest may file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint, showing cause why an order should not be issued against the owner of the building citing violations of this Minimum Housing Code; why further orders consistent with minimum housing practices should not be issued to rectify the violations noted in the complaint; and why the rules of evidence prevailing in the courts of law or equity should not be controlling in hearings before the building inspector.

C. If, after such notice and hearing, the building inspector determines that the dwelling or dwelling unit under consideration is unfit for human habitation or the

building is dangerous, he or she shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order to the intent and within the time specified in the order to repair, alter or improve the said dwelling or other building to render it fit and safe or, if the repair, alteration or improvement can be made at a cost that is not more than 50% of the value of the building, at the option of the owner, to vacate and close the building or, if the repair cannot be made at a cost that is not more than 50% of the value of the building within the time specified in the order, to remove or demolish the said dwelling or other building.

D. Reports or notices issued by the building inspector pursuant hereto shall be served upon persons either personally or by registered mail to the last known address of the person or persons.

E. Complaints or orders shall be served upon persons either personally or by registered mail but if the whereabouts of any person is unknown and the same cannot be ascertained by the building inspector in the exercise of reasonable diligence and the building inspector shall make an affidavit to that effect, then the serving of a complaint or order upon such person may be made by publishing the same once a week for two successive weeks in the official newspaper of the City, service being deemed complete upon the date of the last publication. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order and shall be recorded in the office of the clerk of the District Court.

F. If the owner of a dwelling or other building fails to comply with the order of the building inspector to repair, alter or improve and/or vacate, close, remove or demolish the dwelling, dwelling unit or building, the building inspector may cause such dwelling, dwelling unit or building to be repaired, altered, or improved and/or to be vacated, closed, removed or demolished. The building inspector may cause to be posted on the main entrance a placard with the following words: "This building is unfit for human habitation or other use; the use or occupation of this building for human or other use after is unlawful and is prohibited."

G. No person shall deface or remove the placard or other notice required hereunder from any dwelling, dwelling unit, rooming house, rooming unit or building. The building inspector shall cause the placard to be removed whenever the defects upon which the placarding actions were based have been corrected or removed.

H. The amount of the cost of such repairs, alterations or improvements or vacating and closing or removal or demolition by the building inspector, including the cost of advertising and publishing of notices, shall be the personal debt and liability of the owner or owners and shall be a lien against the real property upon which such cost was incurred. Said cost shall be placed upon the City's tax books against the said property and may be collected and the said liens foreclosed in the same manner as taxes and tax liens are collected and foreclosed or by other civil suit or process as the city attorney may determine. If the dwelling, dwelling unit, or building is removed or

demolished by the building inspector, he or she shall, if possible, sell the materials of such dwelling, dwelling unit or building and shall credit the proceeds of such sale against the cost of removal or demolition. Any balance remaining shall be deposited in the District Court by the building inspector, secured in such manner as may be directed by such court, and disbursed by such court to the persons found to be entitled thereto by final order or decree.

I. Failure on the part of any owner or party in interest to receive or have served upon any complaint, notice or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person, firm or corporation.

J. The city attorney (and prosecuting attorney) shall, upon complaint of the building inspector or upon his or her own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct or remove such violation and to take such other legal action as is necessary to carry out the terms and provisions of this article. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law; any and all remedies may be pursued concurrently or consecutively and the pursuit of any remedy shall not be construed as the waiver of the right to pursue any or all of the others.

K. Any person affected by an order which has been upheld in full or in part by the Board of Appeals may, within 60 days after the posting and service of the order, petition the District Court for an injunction as provided by Neb. Rev. Stat. §25-1062 or seek to have the order reviewed as may otherwise be provided by law.

L. Whenever the building inspector finds that an emergency exists which requires immediate action to protect the public health and/or welfare, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as deemed necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but upon petition the building inspector shall be afforded a hearing in the manner prescribed in subsection (B) of this section as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the building inspector shall continue such order in effect, modify it, or revoke it.

Article 8 – Penal Provisions

SECTION 9-801: VIOLATION: PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

SECTION 9-802: CONFLICT; HIGHER STANDARD

In any case where a provision of this chapter is found to be in conflict with any existing code, ordinance or regulation of the City, the provision that establishes the higher standard for the promotion of the health and safety of the people shall prevail. (Ord. 581; 9/1/71)