



City of Grand Island

Tuesday, May 23, 2006

Council Session

Item F1

**#9044 - Consideration of Amending Chapter 8 of the Grand Island
City Code Relative to Building Codes**

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Dale M. Shotkoski, Interim City Attorney

Meeting: May 23, 2006

Subject: Revisions to the Grand Island City Code: Chapters 8 - Building Code; Chapter 17 - Garbage, Refuse, Waste and Weeds; and Chapter 29 - Food Establishments

Item #'s: F-1, F-2, & F-3

Presenter(s): Dale M. Shotkoski, Interim City Attorney

Background

One of the goals set this year by Administration, the Mayor and City Council was to revise and update the Grand Island City Code. As the effort to update the code is continued, meetings were held with representatives of the Building Department and the Central Nebraska Health Department to review and discuss changes to Chapters 8, 17 and 29.

Discussion

The City Code Revision Committee and Craig Lewis of the Building Department have met as a result of the discussions concerning the Building Code, Chapter 8, and have added in Section 8-40, a new definition for storable pools to cover inflatable or soft sided pools which have the ability to be taken down and stored. Furthermore Section 8-41 was amended to not require a permit for such storable pools. Former Section 8-80 requiring the consent of contiguous property owners for the new location of a moved building was deleted from code as it was no longer deemed necessary. Housekeeping matters taken care of elsewhere in Chapter 8 amended the titles to the building code.

The Code Revision Committee and Ryan King of the Central District Health Department, Craig Lewis of the Building Department and representatives of the Police Department met and as a result of their discussions, the following changes were recommended to Chapter 17. In Section 17-1, a new definition was added to cover hazardous waste. Elsewhere throughout the code, the title of the Health Department was corrected and the numbers for the other sections were cleaned up to reflect the correct numbering system. Former Section 17-13 concerning a wrap requirement for wet garbage was recommended

to be deleted from the code as no longer being necessary. Section 17-52 concerning notice to abate and removal of nuisance for weeds was rewritten to match the requirements of Nebraska State Statutes concerning the abatement of a nuisance and removal procedure for weeds thus eliminating the need to have three separate paragraphs which were formerly Section 17-52; Section 17-53 and Section 17-54. Article V, concerning graffiti was moved from its previous location in Chapter 8 of the City Code to Chapter 17 to assist the coordination of enforcement of the code concerning graffiti and to better organize the City Code.

The Code Revision Committee and Ryan King of the Central District Health Department met to discuss Chapter 29 and as a result of these discussions, the following changes have been recommended. In Section 29-2, it was recommended that a new definition for bakery be established concerning the sale of baked goods. Also in Section 29-2, the definition of food establishment was modified to match state statute. The convenience store definition in Chapter 29-2 was deleted as no longer being necessary. In Section 29-5 of the code, it was recommended that the annual permit periods for the various types of permits allowed be made uniform to run on an annual from May 1 of each year rather than from staggered times throughout the year. Section 29-6 concerning temporary permits was modified so that there would be allowed no more than three renewals of a temporary food permit within a calendar year to prevent temporary businesses from in essence becoming annual businesses without an annual permit.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the changes recommended by city staff to Chapters 8, 17 and 29.

Sample Motion

Motion to approve ordinance revising code sections.

ORDINANCE NO. 9044

An ordinance to amend Chapter 8 of the Grand Island City Code; to amend Sections 8-6, 8-40, 8-41, 8-110, 8-115, 8-141, 8-148, and 8-163 pertaining to housekeeping issues; to delete 8-80 pertaining to moving principal buildings; to remove Division 11 of Article VII of Chapter 8 pertaining to Graffiti; to repeal Sections 8-6, 8-40, 8-41, 8-80, 8-110, 8-115, 8-141, 8-148, and 8-163 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 8-6 of the Grand Island City Code is hereby amended to read as follows:

§8-6. Building Code Advisory Board

There is hereby established a Building Code Advisory Board set out as follows:

BUILDING CODE ADVISORY BOARD

The purpose of the Building Code Advisory Board is to determine the suitability of alternate materials and methods of construction.

Purpose. Whereas, there may arise a design or material that may not meet the exact criteria of the ~~Uniform~~ Building Code, especially in the areas of Energy Related projects, this Board shall examine the data available, and/or may require any additional data, to determine that the proposed material or method is at least equivalent of the purpose as set forth in the Building Codes. The Board may not waive any requirements of the Building Codes, but only approve in lieu of/alternate methods of materials.

Member. The Building Code Advisory Board members will be appointed by the mayor and approved by the city council. They shall be persons who are qualified by experience and training to pass upon matters pertaining to building construction. The Board shall consist of seven members. The chief building official shall be an ex officio member and will act as secretary of the Board. One city council member shall also act as an ex officio member. At least four members of the Board must be present to constitute a quorum and be able to act.

Chairman/Officers; Length of Service. A chairman and vice chairman will be selected from among the seven members and each will serve a two-year term. The seven members will serve two-year terms, alternating four and three on a yearly basis.

Request Procedure. The request process for the Board shall be as follows:

- (1) If an applicant shall be denied a building permit or shall receive disapproval from the chief building official, the applicant may file a request on the forms furnished by the Building Department, together with a request procedure fee in accordance with the City of Grand Island Fee Schedule, stating in full detail what the product or project is, the use, sections of the Code that cannot be fully complied with, what the alternative material or method will be, and sufficient evidence supporting the request. This shall be filed with the chief building official who shall then notify the officers of the Board, who shall set a time of meeting, and the meeting shall be within ten (10) days of the date of application.
- (2) The meeting of the Building Code Advisory Board shall be presided over by the chairman.

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- (3) The Board shall hear all evidence by the party requesting consideration and a presentation by the chief building official.
- (4) After hearing all evidence presented, the Board shall determine whether the proposed alternate method of material is equivalent with the interest and safety of the Code, or may recommend changes to their satisfaction.
- (5) An order approving such a request shall require a "Yes" vote of four of the Board members.
- (6) The Board shall render all decisions in writing to the applicant and the chief building official within a reasonable period of time.

SECTION 2. Section 8-40 of the Grand Island City Code is hereby amended to read as follows:

§8-40. Swimming Pool; Definition

Private Swimming Pool means any constructed or assembled pool that is not publicly owned which is more than 24 inches in depth and has a surface area of more than 150 square feet and which is used or intended to be used as a swimming pool.

Storable pool means any inflatable or soft-sided pool that has the ability to be taken down and stored.

SECTION 3. Section 8-41 of the Grand Island City Code is hereby amended to read as follows:

§8-41. Swimming Pool; Permit Required

It shall be required that a permit be issued for the construction or placement of a private swimming pool from the chief building official prior to such construction or placement. An application for a permit shall be submitted by the owner or his agent of the property upon which the pool is to be located. Such application shall be accompanied by a duplicate set of plans, specifications, and plot plans. The plot plan shall show the accurate location of the proposed pool on the property and properly establish distances to existing lot lines, buildings and fences, and to additional proposed structures or fences. No permit shall be issued until such plans, specifications and plot plans have been approved by the chief building official as being in conformance with all local regulations pertaining to private swimming pools.

Storable pools shall not require a permit as identified by this section.

SECTION 4. Section 8-80 of the Grand Island City Code is hereby deleted:

~~**§8-80. Consent of Contiguous Property Owners**~~

~~Before granting permission to move any principal building from one lot to another or from any piece of property to another or to change the location of any building on the same lot or any piece of property to face in another direction or upon another street, the consent of a majority of the property owners of the half block to which such building or structure is to be located and also the consent of the majority of the property owners of the half block facing such new location must be obtained in writing on petitions furnished by the building department. The applicant, for such permission, shall provide a photograph (not less than three inches by five inches in size) of such house or structure which shall become part of the record of the building department and shall be presented as part of the petition to the owners for signing. This signed petition and photograph shall be on file in the building department before any permit shall be issued for the moving of any such building or structure.~~

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SECTION 5. Section 8-110 of the Grand Island City Code is hereby amended to

read as follows:

§8-110. Condemnation of Unsafe Buildings

Any building or other structure, or any part thereof which is in part or in whole structurally unsafe, dilapidated, defective, unhealthful, insufficient, or unsafe for the purposes for which it is used, detrimental to the community for any just cause, or in violation of the Grand Island City Code or ~~Uniform~~-Building Code as amended and adopted, is hereby determined to be dangerous and shall be made safe by the owner of record of the property within the time set forth in written notice from the Building Department Director, or his/her designee. Where immediate action is deemed necessary to protect life, health, or property, the Building Department Director, or his/her designee may direct such building or other structure or portion thereof to be vacated forthwith, closed and not used or occupied until made safe as required by the said Building Department Director, or his/her designee. Any buildings or other structures, or any part thereof which is determined after inspection by the Building Department Director, or his/her designee to be dangerous as defined above, are hereby declared to be public nuisances and shall be abated by repair, alteration, rehabilitation, demolition, or removal in accordance with this Code.

SECTION 6. Section 8-115 of the Grand Island City Code is hereby amended to

read as follows:

§8-115. Standards for Repair, Etc.

The following standards shall be observed or followed in determining whether a public nuisance shall be repaired, altered, rehabilitated, demolished or removed:

(1) If the building or other structure or any part thereof can reasonably be repaired, altered, or rehabilitated so that it will no longer exist in violation of the Grand Island City Code or ~~Uniform~~-Building Code as amended and adopted, it shall be ordered repaired, altered, or rehabilitated.

(2) If the building or the structure or any part thereof is in such condition that it cannot reasonably be repaired so that it will no longer exist in violation of the Grand Island City Code or ~~Uniform~~-Building Code as amended and adopted, it shall be ordered demolished or removed.

(3) In any case where a building or other structure or any part thereof is fifty percent damaged, decayed or deteriorated from its original value or structure, it shall be demolished or removed.

(4) In any case where a building or other structure or any part thereof is a fire hazard existing in violation of the Grand Island City Code or ~~Uniform~~-Building Code as amended or adopted, or the Statutes of the State of Nebraska, including but not limited to the Life Safety Code, it shall be demolished or removed.

SECTION 7. Section 8-141 of the Grand Island City Code is hereby amended to

read as follows:

§8-141. Definitions

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1981, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

BUILDING CODE is the ~~Uniform~~-Building Code promulgated by the ~~International Conference of Building Officials~~, as adopted by the City of Grand Island ~~this jurisdiction~~

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EFFICIENCY DWELLING UNIT is a dwelling unit containing only one habitable room and meeting the requirements of the Building Code Exception.

HEALTH OFFICER is the legally designated head of the Department of Health of this jurisdiction.

HOT WATER is hot water supplied to plumbing fixtures at a temperature of not less than 110°F.

MECHANICAL CODE is the Uniform Mechanical Code ~~promulgated jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as adopted by the City of Grand Island this jurisdiction.~~

NUISANCE. The following shall be defined as nuisances:

- (1) Any public nuisance known at common law or in equity jurisprudence.
- (2) Any attractive nuisance which may prove detrimental to children whether in a building, or the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
- (3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.
- (4) Overcrowding a room with occupants.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewage or plumbing facilities.
- (7) Uncleanliness, as determined by the health officer.
- (8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

PLUMBING CODE is the Uniform Plumbing Code ~~promulgated by the International Association of Plumbing and Mechanical Officials~~ adopted by the City of Grand Island.

WORKMANLIKE is executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

SECTION 8. Section 8-148 of the Grand Island City Code is hereby amended to

read as follows:

§8-148. Light and Ventilation

(1) *Natural Light and Ventilation.* All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than one twentieth of the floor area of such rooms with a minimum of 5 square feet. All bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one-twentieth of the floor area of such rooms with a minimum of 1 1/2 square feet. All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one-twentieth of the floor area of such rooms with a minimum of 5 square feet.

(2) *Origin of Light and Ventilation.* Required exterior openings for natural light and ventilation shall open directly onto a street or public alley or a yard or court located on the same lot as the building.

EXCEPTION: Required windows may open into a roofed porch where the porch:

- (a) Abuts a street, yard, or court; and
- (b) Has a ceiling height of not less than 7 feet; and
- (c) Has the longer side at least 65 percent open and unobstructed.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than 4 feet in least dimension. No vent shaft shall extend through more than two stories.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one tenth of the floor area of the interior room or 25 square feet, whichever is greater.

(3) *Mechanical Ventilation.* In lieu of openable windows for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms, and in public corridors. One-fifth of the air supply shall be taken from the outside. In

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bathrooms, water closet compartments, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside or into attic space properly ventilated in compliance with the current ~~uniform~~ building code capable of providing five air changes per hour, shall be provided.

(4) *Hallways*. All public hallways, stairs and other exitways shall be adequately lighted at all times in accordance with the Building Code.

SECTION 9. Section 8-163 of the Grand Island City Code is hereby amended to read as follows:

§8-163. Heating and Ventilation

(1) *Heating*. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees F. Such facilities shall be installed and maintained in a safe condition and in accordance with the provisions of the Grand Island City Code, and all other applicable laws. No unvented or open flame gas heater or apparatus shall be permitted. All heating devices or appliances shall be of an approved type.

(2) *Electrical Equipment*. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

(3) *Ventilation*. Ventilation for rooms and areas, and for fuel burning appliances shall be provided as required in the Grand Island City Code. Ventilating equipment shall be of an approved type, installed and maintained in a safe manner and in compliance with the current ~~uniform~~-building code and all other applicable laws. When mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

SECTION 10. Division 11 of Article VII of Chapter 8 of the Grand Island City Code pertaining to graffiti is hereby removed from Chapter 8 and will move into Chapter 17 of Grand Island City Code.

SECTION 11. Sections 8-6, 8-40, 8-41, 8-80, 8-110, 8-115, 8-141, 8-148, and 8-163 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 12. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 13. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

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Enacted: May 23, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk