



City of Grand Island

Tuesday, June 13, 2006

Council Session

Item F1

#9049 - Consideration of Amending Chapter 18 of the Grand Island City Code Relative to Gas

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Dale M. Shotkoski, Interim City Attorney

Meeting: June 13, 2006

Subject: Revisions to Grand Island City Code; Chapters 18, Gas and Chapter 21, Manufactured Homes and Manufactured Home Parks

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

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 Craig Lewis of the Building Department to discuss changes to Chapters 18 and 21.

Discussion

The City Code Revision Committee and Craig Lewis of the Building Department have the following recommendations as a result of their discussions concerning Chapter 18 - Gas. It is recommended throughout City Code that in most instances, a violation is to be an infraction instead of a misdemeanor. This changes the penalties in Sections 18-3, 18-7 and 18-41. It is recommended that previous Section 18-15 and 18-19 be repealed. These sections pertain to gas inspector inspections of installation within 48 hours of being notified and for the inspector to stick, paste, or tie upon the piping or appliance a notice in printing or writing that the installation has been either accepted or rejected and giving the name of the gas inspector, title and date of acceptance or rejection. This section is outdated and the standard is not being followed. Section 18-19 in regards to records of inspection and tests is also outdated and is no longer being practiced by the Building Department for gas inspections. The title of the city's Building Department was clarified as well as other language clean up which was performed for Chapter 18.

The City Code Revision Committee met with Craig Lewis of the city's Building Department to review and discuss Chapter 21 pertaining to manufactured homes and manufactured home parks. Housekeeping and language was again performed for various

sections. It is recommended that the process for renewing a permit be simplified to require that the renewal permits be made to the Building Department and it was recommended that the requirement of any changes in the information from the previous permit be submitted in writing to the Building Department at the time of the renewal. This process was no longer deemed necessary by the Building Department. It was recommended that previous Section 21-13 be modified to no longer allow for a person engaged in the business of selling manufactured homes and having manufactured home inventory on site be permitted to use one home on the lot or tract of land where such established business is conducted for a business office and to allow such home to be connected to public utilities. It is recommended that this provision be repealed. It is also recommended that the parking on private property in a manufactured home park, of trailers used for carrying luggage, baggage and boats on private property be deleted. It is further recommended that the requirement of semi-annual inspections be changed to require only annual inspections due to time constraints and limitations within the Building Department to realistically and properly perform the inspections. Another change recommended by the Building Department to Section 21-22 pertains to porches attached to manufactured homes. The recommended change to Section 21-22 was to allow for an entry porch as long as the entry porch was 120 square feet or less covered entry porch (no living space) which is open on at least two sides. It is recommended that the additional language for the covered entry porch to be open on two sides to assist the Building Department in assuring that the porches are to be porches and not living space. Other housekeeping and title changes were made throughout Chapter 21.

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 Chapter 18 and 21.

Sample Motion

Motion to approve ordinance revising city code sections.

ORDINANCE NO. 9049

An ordinance to amend Chapter 18 of the Grand Island City Code; to amend Sections 18-3, 18-7, 18-20, 18-24, 18-34, 18-38, and 18-41 pertaining to housekeeping issues; to delete Section 18-15 pertaining to notice of inspection approval or rejection; to delete Section 18-19 pertaining to records of inspections and tests; to repeal Sections 18-3, 18-7, 18-15, 18-19, 18-20, 18-24, 18-34, 18-38, and 18-41 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 18-3 of the Grand Island City Code is hereby amended to read as follows:

§18-3. Violations of Article

It shall be unlawful for any person operating a system of natural gas and distributing through the streets and public places and selling natural gas in the City, or for any agent or employee of any such person, to sell or attempt to sell or to collect for or to charge for, any such gas supplied or furnished to any customer, user, or purchaser thereof in the City at any rate or price in excess of the rate or price fixed by this article, and any person violating any of the provisions of this article shall be deemed guilty of ~~an infraction a misdemeanor~~.

SECTION 2. Section 18-7 of the Grand Island City Code is hereby amended to read as follows:

§18-7. Interfering with Safety Equipment

Any owner of a gas installation which has been provided with automatic safety equipment, any employee or agent of such owner or any other person who shall block open by manual means or by any other manner whatsoever interfere with or defeat the purpose of such devices to function automatically in the interest of safety shall be guilty of ~~an infraction a misdemeanor~~ within the terms of this article, and subject to its penalties, as in the base of a violation of any other of its terms or provisions.

SECTION 3. Section 18-15 of the Grand Island City Code is hereby deleted:

~~**§18-15. Notice of Approval or Rejection**~~

~~—The gas inspector shall inspect the installation within forty-eight hours after having been notified and shall stick, paste, or tie upon the piping or appliance a notice in printing or writing that the installation has been either accepted or rejected. This notice shall give the name of the gas inspector, title, and the date of acceptance or rejection.~~

Approved as to Form	☐ _____
June 8, 2006	☐ City Attorney

ORDINANCE NO. 9049 (Cont.)

SECTION 4. Section 18-19 of the Grand Island City Code is hereby deleted:

§18-19. Records of Inspections and Tests

~~—The gas inspector shall keep a complete record of all inspections and tests made as such inspector and make such reports as may be required by the superintendents of other departments, except it shall not be necessary to report the tests made on old work.~~

~~—New work shall be designated as any piping or appliance installation that has not been operated for more than one year.~~

SECTION 5. Section 18-20 of the Grand Island City Code is hereby amended to

read as follows:

§18-20. Application

Application for registration shall be made in writing to the building department ~~blanks furnished by that office~~ which shall show the name, residence and business location of the applicant and such other information as may be required.

SECTION 6. Section 18-24 of the Grand Island City Code is hereby amended to

read as follows:

§18-24. Insurance

(A) Every master gas fitting contractor shall maintain in full force and effect insurance policies written by a company or companies authorized to do business in Nebraska, with the following coverages and amounts.

(1) Comprehensive General Liability Insurance covering the operations of the licensee, including coverage for completed operations, with limits of not less than \$300,000 per occurrence for bodily injury and property damage.

(2) A provision making the City of Grand Island an additional insured for any third party claims for bodily injury or property damage based upon occurrences in connection with the licensee's business operations, including completed operations, within the City's zoning jurisdiction.

(B) Said contractors shall furnish the City Building Department a certificate or certificates of insurance for the above insurance coverage which shall contain a statement that said policies contain a provision that said policies may not be canceled without written notice of such cancellation having been served on the City at least thirty (30) days prior to the date of cancellation.

SECTION 7. Section 18-34 of the Grand Island City Code is hereby amended to

read as follows:

§18-34. Persons Not Required to Register

Any person engaged in ~~wholesale or retail sales of dealing in~~ plumbing or gas connecting materials or supplies but not engaged in the installation, alteration, repair or removal of gas piping or appliances shall not be required to registered hereunder.

ORDINANCE NO. 9049 (Cont.)

SECTION 8. Section 18-38 of the Grand Island City Code is hereby amended to read as follows:

§18-38. Issuance; Information in Report

Upon approval of the application for permit, the gas inspector shall issue a permit ~~in duplicate~~ to the applicant, stating the name of the owner, agent, or occupant of premises where such work is to be done, the location of premises, lot, block, street, and number and addition, the name and location of the master gas fitting contractor having charge of such work and a description of the work to be done.

SECTION 9. Section 18-41 of the Grand Island City Code is hereby amended to read as follows:

§18-41. Penalty for Violation of Article

It shall be unlawful for any person upon whom a duty is placed by the provisions of this article to fail or neglect to comply with the provisions thereof, and every person failing or neglecting to comply with or violating any of the provisions of this article, shall be deemed guilty of ~~an infraction a misdemeanor~~ and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars; each day's failure or neglect to comply with or the violation of any of the provisions of this article shall be cumulative and deemed a separate and distinct offense and punishable as such. The penalty provided for in this section shall be cumulative and in addition to any other penalty provided for in this article.

SECTION 10. Sections 18-3, 18-7, 18-15, 18-19, 18-20, 18-24, 18-34, 18-38, and 18-41 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 11. 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 12. 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.

ORDINANCE NO. 9049 (Cont.)

Enacted: June 13, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk