



City of Grand Island

Tuesday, February 15, 2005

Study Session

Item -3

Discussion Concerning Changes to the Grand Island City Code

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney
Meeting: February 15, 2005
Subject: City Code Update
Item #'s: 3
Presenter(s): Douglas R. Walker, City Attorney

Background

During the course of the last several months, city staff has noticed that a number of existing code sections are outdated and either needed to be revised or removed from the City Code. City staff will periodically bring these issues forward to the City Council so that the City Code can be kept current with current practices of the city and with state law.

Discussion

City staff is proposing that changes be made to Chapters 2, 13, 20, 22, 27 and 34 of the City Code. The changes to be made are as follows:

Chapter 2: Administration

Delete the references to the Community Projects Director and the Community Development Division. Delete the code sections regarding the Downtown Development Division of the Community Projects Department and delete section 2-38 establishing the Community Projects Department. Code Sections 2-58, 2-59 and 2-60 all are referencing the Community Development Division that was formerly in the Community Projects Department but will now be in the Regional Planning Department. Section 2-123 would reinstate a City Code section that was in effect until 2003 which states that the City Administrator will designate a person to serve as the director and ex officio secretary of the Community Redevelopment Authority.

Chapter 13: Downtown and Business Improvement Districts

The references to the Community Projects Department Director and the Downtown Development Division in Sections 13-19 and 13-50 have been

deleted. The Business Improvement District has requested that code section 13-17.1(c) be revised to remove the sentence waiving the residential parking permit fee and also changing the location of where an application is made for a permit. The Grand Island Police Department currently handles the issuing of permits so the code section now reflects this change.

Chapter 20: Miscellaneous Offenses

Section 20-1 of the City Code is being amended to remove subsection 2 of that code section. Subsection 2 is being recommended for removal because there has been some concern about its enforceability. This subsection is being replaced with Section 20-19 on volume control. This ordinance is based on an ordinance in Omaha which has been used successfully for several years. This is an area of the law that is somewhat subjective in nature but it was felt that by making the changes shown in the proposed new code section that this would be a more enforceable ordinance.

Chapter 22: Motor Vehicles and Traffic

A change to Section 22-99 is being recommended to change the parking ordinance prohibiting people from parking in one location upon the city streets or on any public free parking lot from 24 hours to 72 hours. When snow storms happen that last over a duration of a day or more it is often difficult and impractical for people to have their cars moved within 24 hours. This change will also accommodate situations where people have guests for the weekend that may park on the public street in front of their residence and could be subject to a ticket under the current code.

Chapter 27: Procurement

Code Section 27-9 would be revised under the proposed ordinance. The section of 27-9 to be revised would be under the receipt of proposals. The changes would delete the prohibition against disclosing the identity of offerers when the city seeks sealed proposals. Another change to this paragraph of Section 27-9 would be that the name and address of the offerers would open for public inspection. There is also a change to this paragraph indicating that all proposals will be open for public inspection after the award of the contract.

Chapter 34: Telecommunications and Public Transportation

All of the code sections pertaining to taxi cab companies and taxi cab driver permits are to be deleted from the City Code under the proposed ordinance. It came to the attention of city staff that the city had not been enforcing the provisions of Section 34-75 through Section 34-81, which is the article in the City Code regarding taxi cab companies. The current code sections require a permit from the city to operate a taxi cab company and it was felt by city staff that this was not an area that the city should

attempt to regulate because city regulation would not be effective. A majority of the communities in Nebraska do not have regulations requiring a city permit for a taxi cab company and it was felt that these code sections should be deleted to reflect the current practice of not requiring a permit. Also being deleted would be Sections 34-85 through 34-98 which regard taxi cab driver permits. The city has not been requiring individual taxi drivers within the city to comply with the various requirements of these code sections and it was therefore felt that it would be better to delete them.

Dept. of Health References: Delete references to the Grand Island-Hall County Health Department throughout the City Code and insert the Central District Health Department. The Health Department fee references in Sections 25-12, 29-8, 29-11, 29-12 and 29-13 are being deleted because the Central District Health Department sets its own fee schedules.

Conclusion

This item is presented to the City Council in a Study Session to allow for any questions to be answered and to create a greater understanding of the issue at hand.

It is the intent of City Administration to bring this issue to a future council meeting for the proposed changes to the City Code.

ORDINANCE NO. ____

An ordinance to amend Chapter 2 of the Grand Island City Code; to amend Section 2-21 pertaining to Appointive Officers of the City; to delete Division 6 and Section 2-38 pertaining to the Community Projects Department; to amend Section 2-58 pertaining to the Community Development Division; to amend Section 2-59 pertaining to the appointment of a director for the Community Development Division; to amend Section 2-60 pertaining to Director Duties; to delete Article V and Sections 2-66, 2-67, 2-68, 2-69, and 2-70 pertaining to the Downtown Development Division and Downtown Development Director; to add Section 2-123 pertaining to the Director of the Community Redevelopment Authority; to repeal Sections 2-21, 2-38, 2-58, 2-59, 2-60, 2-66, 2-67, 2-68, 2-69, and 2-70 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 2-21 of the Grand Island City Code is hereby amended to read as follows:

§2-21. Officers; Appointive

Pursuant to Neb. Rev. Stat. §16-217, the following shall constitute the appointive officers of the City of Grand Island:

City Administrator
Chief of Police
Chief of the Fire Department
City Attorney
Public Works Director
Utilities Director
~~Community Projects Director~~
City Treasurer / Finance Director
~~Human Resources Personnel~~ Director
City Clerk
Parks and Recreation Director
Building Department Director
Library Director

Directors of Departments created by Interlocal Agreements are as follows:

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February 11, 2005	☐ City Attorney

ORDINANCE NO. _____ (Cont.)

Emergency Management Director
Health Director
Planning Director

SECTION 2. Division 6. and Section 2-38 of the Grand Island City Code is hereby deleted:

~~Division 6. Community Projects Director~~

~~§2-38. Community Projects Department~~

~~There is hereby created a department of the City which shall be known as the Community Projects Department which shall perform the economic development, community development, downtown and business improvement functions of city government. The department shall be responsible for general administration and management of community projects and special projects as assigned by the City Administrator, Mayor and City Council. Within the department shall be included the Downtown Development Division and Community Development Division. All personnel within the department and its divisions shall be under the supervision and direction of the Community Projects Director.~~

~~There is hereby created the office of Community Projects Director to be appointed and removed in the manner applicable to City department heads generally and the Personnel Rules.~~

SECTION 3. Section 2-58 of the Grand Island City Code is hereby amended to read as follows:

§2-58. Community Development Division

There is hereby created a division of the Regional Planning ~~Community Projects~~ Department to be known as the Community Development Division, which shall be responsible for the performance of all administrative tasks involved in the implementation of the City's community development projects, programs, policies, and procedures adopted under the provisions of this article.

SECTION 4. Section 2-59 of the Grand Island City Code is hereby amended to read as follows:

§2-59. Director; Appointment

The director of the Regional Planning Department shall act as director of the Community Development Division. ~~There is hereby created the position of director of the Community Development Division.~~

SECTION 5. Section 2-60 of the Grand Island City Code is hereby amended to read as follows:

§2-60. Director; Duties

The director of the Regional Planning Department ~~Community Development Division~~ shall be responsible

ORDINANCE NO. _____ (Cont.)

for performing the professional work involved in carrying out the purposes of this article, for directing the work of the Community Development Division, and for coordinating all the City's community development programs and projects ~~under the direction and supervision of the Community Projects Director.~~

SECTION 6. Article V. of Chapter 2 of the Grand Island City Code is hereby deleted.

SECTION 7. Section 2-66 of the Grand Island City Code is hereby deleted:

~~§2-66. Downtown Development; Purpose~~

~~_____ The purpose of this article is to set forth the manner in which the city shall administer the off-street parking and business improvement district activities granted to the city under the statutes of this state, including but not limited to the Off Street Parking District Act, Neb. Rev. Stat. §19-3301, et seq., and Business Improvement District Act, Neb. Rev. Stat. §19-4015, et. seq.~~

SECTION 8. Section 2-67 of the Grand Island City Code is hereby deleted:

~~§2-67. Downtown Development Division; Creation~~

~~_____ There is hereby created a division of the Community Projects Department to be known as the Downtown Development Division, which shall be responsible for the performance of all administrative tasks involved in the implementation of the City's business improvement districts, off-street parking districts, and associated downtown development projects, policies and programs.~~

SECTION 9. Section 2-68 of the Grand Island City Code is hereby deleted:

~~§2-68. Director; Appointment~~

~~_____ There is hereby created the position of director of the Downtown Development Division.~~

SECTION 10. Section 2-69 of the Grand Island City Code is hereby deleted:

~~§2-69. Director; Duties~~

~~_____ The director of the Downtown Development Division shall be responsible for performing the professional work involved in carrying out the purposes of this article, for directing the work of the Downtown Development Division, and for coordinating the City's downtown business improvement districts, off-street parking districts, and associated downtown development projects, policies and programs under the direction and supervision of the Community Projects Director.~~

SECTION 11. Section 2-70 of the Grand Island City Code is hereby deleted:

~~§2-70. Director; Boards~~

~~_____ The Downtown Development Director shall serve as ex officio secretary to all business improvement boards within the downtown area and shall perform such duties as may be assigned by said boards including but not~~

ORDINANCE NO. _____ (Cont.)

~~limited to necessary administrative functions as are required by law; provided boards of other business improvement districts and off-street parking districts within the city may contract with the city for services of the director.~~

SECTION 12. Section 2-123 of the Grand Island City Code is hereby added to read as follows:

§2-123. Director

The City Administrator shall designate a person to serve as the Director and Ex Officio Secretary of the Community Redevelopment Authority, and that person shall perform such duties as may be assigned by the Authority, including the necessary administrative functions described in Neb. Rev. Stat. §18-2102.01 (Reissue of 1991).

SECTION 13. Sections 2-21, 2-38, 2-58, 2-59, 2-60, 2-66, 2-67, 2-68, 2-69, and 2-70 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 14. 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.

Enacted: February 22, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

ORDINANCE NO. ____

An ordinance to amend Chapter 13 of the Grand Island City Code; to amend Section 13-11 pertaining to the metered parking system; to amend Section 13-17.1 pertaining to special employer/employee and residential parking permits; to amend Section 13-19 pertaining to Vehicle Immobilization; to amend Section 13-50 pertaining to Sidewalk Usage in Business Improvement District No. 5; to repeal Sections 13-11, 13-17.1, 13-19 and 13-50 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 13-11 of the Grand Island City Code is hereby amended to read as follows:

§13-11. Metered Parking System

The mayor is hereby authorized and directed to establish a system of parking meters as herein defined, and to take all actions necessary or appropriate for the acquisition, establishment, erection, maintenance, and operation of such system. The metered parking system shall be operated under the supervision of the Police Department ~~Downtown Development Director~~.

SECTION 2. Section 13-17.1 of the Grand Island City Code is hereby amended to read as follows:

§13-17.1. Special Employer/Employee and Residential Parking Permit

A special parking permit may be issued to employers and employees of certain businesses and for residents of the downtown area for use at the 2-hour parking lot located on the north side of the 300 block of West Second Street, commonly known as the "Chamber Lot" under the following conditions:

(A) Employers must have a business, and employees must be employed by a business whose street addresses are in the following blocks: the 100 and 200 blocks of North Wheeler Street; the 100 and 200 block of North Walnut Street; the 200, 300 and 400 blocks of West Second Street, and the south side of the 300 block of West Third Street.

(B) Residents of the downtown area must have a residential address with a street address in the following blocks: the 100 and 200 blocks of North Wheeler Street; the 100 and 200 blocks of North Walnut Street; the 200, 300 and 400 blocks of West Second Street, and the south side of the 300 block of West Third Street.

(C) Applicants requesting an Employer/Employee Parking permit must pay a nonrefundable fee in accordance with the City of Grand Island Fee Schedule for each parking permit. ~~The Residential Parking Permit fee shall be waived.~~ Each parking permit commences upon issuance and expires on December 31 of each year. Application for or renewal of each parking permit requires the completion of an application form, the approval

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February 10, 2005	☐ City Attorney

ORDINANCE NO. _____ (Cont.)

of such application and payment of the fee set forth in the City of Grand Island Fee Schedule. Applications for renewal of the parking permit shall be made with the Grand Island Police Department ~~Downtown Development Division office.~~

(D) The parking permit provided by the Downtown Improvement Board must be placed on the rearview mirror and must be visible at all times while the vehicle is parked in the "Chamber Lot".

(E) The parking permit is valid in the "Chamber Lot" only.

SECTION 3. Section 13-19 of the Grand Island City Code is hereby amended to read as follows:

§13-19. Immobilization Authorized

Any vehicle which has incurred parking fees which remain unpaid thirty-one (31) or more days after becoming due may be subject to immobilization and impoundment in the manner and form provided in this Article and Chapter 22, Article VII, Division 3 of this Code. Immobilization of an offending vehicle shall be accomplished by the Police Department applying a device to one or more of the vehicles wheels ~~at the request of the Community Projects Director or his/her designee.~~ The vehicle shall be released upon payment of all parking fees incurred by such vehicle and due prior to immobilization.

SECTION 4. Section 13-50 of the Grand Island City Code is hereby amended to read as follows:

§13-50. Sidewalk Usage; Regulations

All sidewalk displays, sandwich board signs, vending carts, and sidewalk cafes located within or directly abutting Business Improvement District No. ~~52~~ shall comply with Public Right-of-Way Usage Regulations to be promulgated and adopted by the Downtown Business Improvement District Board. Copies of the Public Right-of-Way Usage Regulations shall be on file with the City Clerk, ~~Community Projects Director, Downtown Development Director,~~ and shall be available for public inspection.

SECTION 5. Sections 13-11, 13-17.1, 13-19 and 13-50 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 6. 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.

Enacted: February 22, 2005.

Jay Vavricek, Mayor

ORDINANCE NO. _____ (Cont.)

Attest:

RaNae Edwards, City Clerk

ORDINANCE NO. ____

An ordinance to amend Chapter 20 of the Grand Island City Code; to amend Section 20-1 pertaining to Disturbing the Peace; to add Section 20-19 pertaining to Volume Control; to repeal Section 20-1 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 20-1 of the Grand Island City Code is hereby amended to read as follows:

§20-1. Disturbing the Peace

(1) It shall be unlawful for any person to disturb the peace and quiet of any other person by loud noise, music, or language, by fighting or threatening to fight, or by any other offensive action. It shall be unlawful for any person in legal possession or charge of a residence or other private property to permit, or by inaction allow other persons on the premises to disturb the peace jointly or severally by loud noise, music, or language.

~~(2) It shall be unlawful for any person to operate any radio, tape player, compact disc player, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts, or musical recordings, in or upon any street, alley, or other public place in such a manner as to be audible to other persons in such public place more than fifty (50) feet from the source.~~

SECTION 2. Section 20-19 is hereby added to the Grand Island City Code to read as follows:

§20-19. Volume Control

No person shall play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player, compact disc (CD) player, or other machine or device for reproducing sound, if it is located in or on any public property, including any public street, highway, building, sidewalk, park or thoroughfare; or any motor vehicle on a public street, highway or public space unless the volume of amplified sound shall be so controlled that it will not be audible for a distance in excess of one hundred (100) feet from the source and so that the volume is not unreasonably great and the noise, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

SECTION 3. Section 20-1 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

ORDINANCE NO. _____ (Cont.)

SECTION 4. 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.

Enacted: February 22, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

ORDINANCE NO. ____

An ordinance to amend Chapter 22 of the Grand Island City Code; to amend Section 22-99 pertaining to time period for parking on city streets; to repeal Section 22-99 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 22-99 of the Grand Island City Code is hereby amended to read as follows:

§22-99. Seventy-two ~~Twenty-four~~ Hour Parking

It shall be unlawful for any person to park any vehicle or to permit such vehicle to stand at one location upon the streets or upon any public "free parking" lot for a period longer than seventy-two ~~twenty-four~~ hours.

SECTION 2. Section 22-99 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. 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.

Enacted: February 22, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
February 10, 2005	☐ City Attorney

ORDINANCE NO. ____

An ordinance to amend Chapter 27 of the Grand Island City Code; to amend Section 27-9 pertaining to competitive sealed proposals; to repeal Section 27-9 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 27-9 of the Grand Island City Code is hereby amended to read as follows:

§27-9. Competitive Sealed Proposals

Conditions for Use. When the purchasing agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by use of the competitive sealed proposals method.

Request for Proposals. Proposals shall be solicited through a request for proposals.

Public Notice. Adequate public notice of the request for proposals shall be given in the same manner as provided in §27-8 (Competitive Sealed Bidding); provided, the minimum time shall be fifteen (15) calendar days.

Receipt of Proposals. No proposals shall be handled so as to permit disclosure of ~~the identity of any offeror or the contents of any proposal to competing offerors~~ during the process of negotiation including meetings and interviews with any of the offerors. ~~A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered.~~ The register of proposals containing the name and address of the offerors shall be open for public inspection ~~only after contract award~~. All proposals shall be open for public inspection after the award of the contract.

Evaluation Factors. The request for proposals shall state the relative importance of price and other evaluation factors.

Discussion with Responsible Offerors and Revisions to Proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussion, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.

Award. Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

SECTION 2. Section 27-9 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

ORDINANCE NO. _____ (Cont.)

SECTION 3. 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.

Enacted: February 22, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

ORDINANCE NO. ____

An ordinance to amend Chapter 34 of the Grand Island City Code; to delete Article II. and Sections 34-75 through 34-81 pertaining to Taxicab Companies; to delete Article III. and Sections 34-85 through 34-98 pertaining to Taxicab Drivers' Permits; to repeal 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. Article II. and Sections 34-75 through 34-81 of the Grand Island City Code is hereby deleted:

Article II. Taxicab Companies

~~§34-75. Taxicab Company Permit; Required~~

~~It shall be unlawful for any person owning or operating a motor vehicle for the transportation of passengers for hire, to operate such vehicle, or cause such vehicle to be operated, upon the streets or alleys of the City without first obtaining a permit to do so.~~

~~§34-76. Taxicab Company Permit; Application~~

~~All applications for permit required by §34-75 shall be made to the city clerk on a form to be provided by the city clerk. Such application form shall require the applicant to set forth his or her name, residence, occupation, copy of certificate of public convenience and necessity, certificate of insurance, and such other facts as are necessary to show whether or not such applicant is a person of good moral character and otherwise qualified to operate vehicles carrying passengers for hire.~~

~~§34-77. Taxicab Company Permit; Fees~~

~~Every application for a permit as required by §34-75 shall be accompanied by a receipt signed by the city treasurer showing proof that the occupation tax has been paid in accordance with the City of Grand Island Fee Schedule. The money paid for the occupation tax shall go into the general fund of the City.~~

~~§34-78. Permit; Issuance~~

~~If the information on the application required by §34-76, duly verified, shall show that an applicant for a permit pursuant to the provisions of §34-75 is properly qualified, and if such applicant has complied with the requirements of §34-77 regarding the payment of fees, the city clerk shall issue such permit.~~

~~§34-79. Permits to be Numbered; Expiration Date~~

~~Permits issued pursuant to §34-78 shall bear a number signed by the city clerk with the name and address of the holders thereof. All such permits shall expire on December 31 of the year in which they are issued.~~

~~§34-80. Permit; Forfeiture~~

~~Every person violating any of the provisions of this chapter shall forfeit his or her permit issued pursuant to this article, at the discretion of the mayor and city council.~~

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February 10, 2005 ☐ City Attorney

ORDINANCE NO. _____ (Cont.)

§34-81. Taximeters

~~Every motor driven vehicle seating seven passengers or less shall have affixed thereto, in plain view, a taximeter, or other mechanical device, by which the charge for hire of such motor vehicle is mechanically calculated, either for distance driving or for waiting time, or for both, and upon which such charge shall be indicated by means of figures, and all fare of passengers shall be determined by such device or meter.~~

~~No license shall be issued to operate such motor vehicle until the taxi meter attached thereto has been inspected and found to be accurate.~~

~~After sundown, the face of every taximeter in operation shall be illuminated by a suitable light so arranged as to throw a continuous, steady light thereon. No person shall use, or permit to be used, or driven for hire, a public motor vehicle equipped with a taximeter, the case of which is unsealed.~~

SECTION 2. Article III. and Sections 34-85 through 34-98 of the Grand Island

City Code is hereby deleted:

Article III. Taxicab Drivers' Permits

§34-85. Taxicab Driver's Permit; Required

~~No person shall drive a taxicab in the City unless he or she shall have applied for and obtained a permit to do so from the city clerk.~~

§34-86. Requisite to Employment as Driver

~~No person operating a taxi company in the City shall employ or allow any person to drive a taxi unless such person shall first have been granted a permit to operate a taxi as provided by this article.~~

§34-87. Application

~~Each person desiring a taxicab driver's permit shall file an application therefor with the city clerk on a form provided by the clerk, setting forth the name and address of the applicant, and the name and address of the owner of the taxicab which he or she will drive.~~

§34-88. Medical Examination; Certificate

~~An applicant for a taxicab driver's permit shall undergo a medical examination, at applicant's expense, by a physician licensed in the State of Nebraska, and shall obtain a certificate from such examining physician showing the physical fitness of the applicant to become a licensed taxicab driver.~~

§34-89. Examination by Chief of Police

~~An applicant for a taxicab driver's permit shall take an examination to be given by the chief of police to determine whether or not the applicant is familiar with the provisions of this Code which are related to traffic, other traffic laws, and any other applicable regulations of the City, and whether or not such applicant is acquainted with the location of all streets and public places in the City. Such examination shall be in such form and shall be as comprehensive as the chief of police may deem necessary.~~

§34-90. Minimum Age

~~An applicant for a taxicab driver's permit shall be not less than eighteen years of age.~~

§34-91. Issuance

~~Upon an applicant for a taxicab driver's permit complying with the requirements of this article, and upon the filing of the health certificate, and a certificate showing that he or she has passed the examination given by the chief of police, and upon payment of the fees in accordance with the City of Grand Island Fee Schedule, the city clerk is authorized to issue such taxicab driver's permit.~~

ORDINANCE NO. _____ (Cont.)

~~§34-92. Assignability~~

~~_____ A taxicab driver's permit issued pursuant to this article is not assignable and shall authorize the holder thereof to drive only for the owner designated in the application. In the event such driver changes employers, the city clerk is authorized to issue a new permit to such driver, without examination, upon payment of the permit fee in accordance with the City of Grand Island Fee Schedule.~~

~~§34-93. Expiration Date~~

~~All permits issued pursuant to this article shall expire on December 31 following the date of issuance.~~

~~§34-94. Reserved~~

~~§34-95. When and Where Fees Payable~~

~~_____ All renewal fees for permits pursuant to this article shall be due and payable at the office of the city treasurer on January 1 of each year.~~

~~§34-96. Permit Badge~~

~~_____ The city treasurer shall issue to each person granted a permit to drive a taxi pursuant to this article, a badge, which badge shall be worn only by the person to whom such permit was issued and such badge shall be worn on the front of such driver's cap. The taxi driver's badge shall bear the name of the city, the number of the permit issued, and the word "taxi." The city treasurer shall collect the cost of such badge from the person to whom the permit is issued, and the cost thereof may be redeemed by the treasurer when the permittee shall no longer desire to drive a taxi, and shall surrender such badge in a good, usable condition.~~

~~§34-97. Permit Revocation; Chief of Police~~

~~_____ The chief of police is hereby charged with the duty of approving all permits granted pursuant to this division, and if any person shall, in the discretion of the chief of police, be found to be a reckless driver and unfit to operate a taxi, such permit to operate the same may be revoked by the chief of police.~~

~~§34-98. Revocation; Driving While Intoxicated~~

~~_____ If any person holding a permit pursuant to this article shall be found guilty of driving a taxi while intoxicated, the chief of police may revoke the permit granted to such violator.~~

SECTION 3. Sections 34-75 through 34-81 and 34-85 through 34-98 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 4. 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. _____ (Cont.)

Enacted: February 22, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

ORDINANCE NO. _____

An ordinance to amend Chapters 17, 20, 25 and 29 of the Grand Island City Code; to amend Sections 17-2, 20-13.1, 25-12, 25-13, 25-14, 25-16, 25-19, 25-20, 25-23, 29-1, 29-4, 29-7, 29-10, 29-11, and 29-17 to change the name from the Grand Island-Hall County Health Department to the Central District Health Department; to amend Sections 25-12, 29-8, 29-11, 29-12, and 29-13 pertaining to the Grand Island Fee Schedule; to repeal Sections 17-2, 20-13.1, 25-12, 25-13, 25-14, 25-16, 25-19, 25-20, 25-23, 29-1, 29-4, 29-7, 29-8, 29-10, 29-11, 29-12, 29-13 and 29-17 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 17-2 of the Grand Island City Code is hereby amended to read as follows:

§17-2. Duty of Department of Health

The ~~Central District Health Department~~ ~~Grand Island-Hall County Department of Health~~ or employees of the City of Grand Island are hereby charged with the duty of enforcing the provisions of this chapter pertaining to the collecting, transporting, and disposing, by approved methods, of all garbage, litter, refuse, yard waste, and waste materials within the City. Approved methods of disposal for garbage, litter, refuse and waste materials are as follows:

- (A) By delivery to a licensed garbage or refuse collector;
- (B) By hauling to the City-operated sanitary or landfill transfer station and dispensing there as directed by the person in charge; provided, that the transportation conforms to the requirements of §17-26;
- (C) By disposal of garbage in a home garbage disposal unit.

Approved methods of disposal for yard waste are as follows:

- (A) By utilizing such yard waste in an approved backyard composting site;
- (B) By delivery to a licensed garbage collector in a separate yard waste collection service;
- (C) By hauling to the City-operated composting site, which is adjacent to the City's transfer station, and dispensing there as directed by the person in charge.

SECTION 2. Section 20-13.1 of the Grand Island City Code is hereby amended to read as follows:

ORDINANCE NO. _____ (Cont.)

§20-13.1. Nuisances; Specifically Defined

The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be nuisances:

(A) Any odorous, putrid, unsound or unwholesome grain, meat, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl.

(B) Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.

(C) Filthy, littered or trash-covered cellars, houseyards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.

(D) Stockpiling animal manure in a manner that causes an abundance of flies, malodorous conditions or creates other health concerns, or which is kept or handled in violation of any ordinance of the City.

(E) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner approved by the health officer of the Central District Health Department ~~City~~, nor the dumping of non-putrefying waste in a place and manner approved by the health officer.

(F) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

(G) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, used furniture, used appliances, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

(H) Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

(I) All places used or maintained as junk yards, or dumping grounds, or for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or buildings or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

(J) Stagnant water permitted or maintained on any lot or piece of ground.

(K) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the City, or are maintained and kept in such a manner as to be injurious to the public health.

(L) All other things specifically designated as nuisances elsewhere in this Code.

SECTION 3. Section 25-12 of the Grand Island City Code is hereby amended to

read as follows:

§25-12. License Application; Types; When Issued

(A) All applications for a new or renewal license shall be filed with the Central District Health Department ~~Grand Island Hall County Health Department~~ accompanied by a fee established and adopted by the Board of Health ~~in accordance with the City of Grand Island Fee Schedule~~. Upon payment of the license fee, receipt of the

ORDINANCE NO. _____ (Cont.)

application, and receipt of the certificate of inspection, the Health Department Director shall issue a license to the applicant, which he/she shall keep displayed in his/her place of business at all times.

(B) Any change of ownership or change of location of the business licensed shall require a new application and license, with payment of fees therefor.

(C) Application for all licenses shall be made prior to the operation of any tattoo and/or body piercing work.

(D) Licenses shall be non-transferable.

(E) Type of Licenses:

(1) Annual License: An annual license may be issued for businesses, valid for one (1) year from the date of issuance. Renewals of such annual license shall be made by application prior to the expiration of the existing license.

(2) Temporary License: A temporary license may be issued for businesses, valid for no more than three (3) consecutive days, such dates to be specified on the license. Licenses issued on a temporary basis requires compliance with this article and with the Temporary Tattoo/Body Piercing Event Regulations promulgated and adopted by the Board of Health.

SECTION 4. Section 25-13 of the Grand Island City Code is hereby amended to

read as follows:

§25-13. Definitions

For the purposes of this Article, the following words and phrases shall have the meanings ascribed to them by this section:

Certificate of Inspection: The term “certificate of inspection” shall mean written approval from the Central District Health Department ~~Grand Island Hall County Department of Health~~ that said tattooing and/or body piercing establishment has been inspected and meets all of the terms of this Article relating to operation, maintenance, physical facilities, equipment and layout for operation of such business.

Body Piercing: The term “body piercing” shall mean the act of penetrating the skin, excluding the earlobes, to make generally permanent in nature, a hole, mark, or scar.

Health Department Director: The term “Health Department Director” shall mean the Director of the Central District Health Department ~~Grand Island Hall County Department of Health~~ or his/her authorized representative.

Operator: The term “operator” shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing and/or body piercing is performed and any individual who performs or practices the art of tattooing and/or body piercing on the person of another.

Tattoo: The term “tattoo” shall refer to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

SECTION 5. Section 25-14 of the Grand Island City Code is hereby amended to

read as follows:

§25-14. Health and Sanitary Requirements

Each person who operates a tattooing and/or body piercing establishment shall comply with the following requirements:

(A) The room in which tattooing and/or body piercing is done shall have an area of not less than one hundred (100) square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.

(B) A toilet shall be located in the establishment and shall be accessible at all times that the tattooing and/or body piercing establishment is open for business. A separate lavatory will be accessible to the operator to wash

ORDINANCE NO. _____ (Cont.)

his/her hands prior to applying a tattoo or body piercing to a patron. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels, and shall be cleaned and sanitized at least daily.

(C) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a panel at least four (4) feet high or by a door.

(D) The entire premises and all equipment shall be maintained in a clean, sanitary condition and in good repair.

(E) The operator shall wash his/her hands thoroughly with soap and water before starting to tattoo and/or body pierce; the hands shall be dried with individual, single-use towels. After washing his/her hands, the operator shall rinse his/her hands in seventy percent (70%) alcohol (Rubbing Alcohol) or in an antiseptic solution approved by the ~~Central District Health Department~~Grand Island Hall County Department of Health. The operator will then don new disposable surgical gloves, and shall wear them while in contact with the customer. Upon completion of his/her work on each customer, the operator shall dispose of the gloves by incineration or autoclave. The operator shall not perform service on more than one (1) person at a time; that is, he/she shall commence and complete or terminate services with a customer, prior to commencing work on another individual.

(F) No tattooing and/or body piercing shall be done on any skin surface that has rash, pimples, boils, infections or manifests any evidence of unhealthy conditions.

(G) In the event a tattoo, blemish, birthmark or scar is changed, removed, camouflaged, or altered, a record must be made and kept in the client's record.

(H) Only disposable razors with a new, single-service blade shall be used on each customer or patron and then shall be sterilized and disposed of as soon as possible by incineration.

(I) The area to be tattooed and/or pierced shall first be thoroughly washed for a period of two (2) minutes with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing and/or piercing is begun, a solution of seventy percent (70%) alcohol shall be applied to the area with a single-use sponge used and applied with a sterile instrument. Sponges shall be disposed of by sterilization and incineration.

(J) Only sterile petroleum jelly in single-service disposable containers, if available, or collapsible metal or plastic tubes, or its equivalent as approved by the ~~Central District Health Department~~Grand Island Hall County Department of Health, shall be used on the area to be tattooed and/or pierced and it shall be applied with sterile gauze which shall then be discarded and disposed of by incineration or autoclave. Petroleum jelly or an approved alternate substance shall not be applied directly with the fingers.

(K) The use of styptic pencils, alum blocks or other solid styptics to check the flow of blood is prohibited.

(L) Inquiry shall be made of each customer, and anyone giving a history of jaundice, hepatitis, lymphadenopathy or lymphadenitis (swelling of lymph nodes) Aids (HIV+) positive, or a history of blood donation exclusion (for other than hypertension and immediate illness) may not be tattooed and/or body pierced. Inquiry shall be recorded on an appropriate form which shall be executed by the customer and operator, and retained by the licensee for a period of not less than three (3) years.

(M) Single-service individual containers of dye or ink shall be used for each patron, and the container therefor shall be discarded immediately after completing work on a patron and any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual sterile sponge or a disposable paper tissue which shall be used only on one (1) person and then immediately discarded and disposed of with other hazardous medical waste. After completing work on any person, the tattooed and/or pierced area shall be washed with sterile gauze saturated with an antiseptic soap solution approved by the ~~Central District Health Department~~Grand Island Hall County Department of Health, or a seventy percent (70%) alcohol solution. The tattooed and/or pierced area shall be allowed to dry and sterile petroleum jelly from a single-service disposable container, if available, or from collapsible metal or plastic tubes, shall be applied, using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive and/or the pierced area as needed.

(N) All tattoo and/or body piercing work shall be performed with a single-service sterile needle, which shall be disposed of immediately after use on one (1) customer by sterilization and incineration. The operator shall not remove tattoos, nor shall they be done over the site of obviously recent hypodermic injections. A single-service tube should be used in conjunction with a new needle. After use the tube shall be sterilized.

(O) Operator is responsible for issuing after-care instructions for each body piercing.

ORDINANCE NO. _____ (Cont.)

(P) No animals may be kept or allowed in the place of business at any time.

(Q) Private residences or dwelling units are prohibited in the place of business unless the tattooing and/or body piercing operation is conducted in a separate and distinct location from the normal living quarters of a residential dwelling.

SECTION 6. Section 25-16 of the Grand Island City Code is hereby amended to

read as follows:

§25-16. Sterilizing of Instruments

A steam sterilizer (autoclave) shall be provided for sterilizing all needles and similar instruments before use on any customer, person or patron. (Alternate sterilizing procedures may only be used when specifically approve by the ~~Central District Health Department~~~~Grand Island Hall County Department of Health~~.) Sterilization of equipment will be accomplished by exposure to live steam for at least sixty (60) minutes at a minimum pressure of fifteen (15) pounds per square inch, temperature of two hundred fifty degrees Fahrenheit (250°) or one hundred twenty-one degrees Celsius (121°C).

Preparation of Instruments for Sterilization. After each tattoo job, the tattoo machine shall be placed in an ultrasonic type machine to remove the excess dye from the tubes and needle bars. When this process is completed the tubes and needle bars shall be removed from the tattoo machines. They shall then be placed into a covered container for sterilization by autoclaving.

Sterilizing of Instruments. Steam sterilizers, approved by the ~~Central District Health Department~~~~Grand Island Hall County Department of Health~~, shall be provided for each establishment. All needle bars, grips, tubes and instruments which pierce the skin, directly and in piercing the skin or come in contact with instruments which pierce the skin shall be sterilized before using on each customer by autoclaving under fifteen (15) pounds pressure for fifteen (15) minutes. The temperature maintained in autoclaving shall not be less than two hundred fifty degrees Fahrenheit (250°F) or one hundred twenty-one degrees Celsius (121°C).

Storing of Instruments. All tubes, grips and needle bars shall be left in the wrappers used during the autoclaving process. These wrapped articles shall be stored in a closed glass case or storage cabinet and shall be maintained in a sanitary manner at all times. The wrappers shall not be removed from the tubes, grips or needle bars until a tattoo and/or body piercing job is begun.

SECTION 7. Section 25-19 of the Grand Island City Code is hereby amended to

read as follows:

§25-19. Records

(A) Permanent records for each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing and/or body piercing operation begins, the patron or customer shall be required personally to enter, on a record form provided for such establishments, the date, his/her name, address, age, driver's license number or other acceptable photo identification, the responses to the inquiries set forth in §25-14(L), and his/her signature. A copy of the driver's license or photo identification shall be attached to and retained with the permanent record.

(B) Daily logs must be kept detailing sterilization of instruments.

(C) All such records required to be retained shall be kept by the operator or licensee for a period of not less than five (5) years. In the event of a change of ownership or closing the business, all such records shall be made available to the ~~Central District Health Department~~~~Grand Island Hall County Department of Health~~ or law enforcement officer of the City upon request.

ORDINANCE NO. _____ (Cont.)

SECTION 8. Section 25-20 of the Grand Island City Code is hereby amended to

read as follows:

§25-20. Infections

No person, customer or patron having any skin infection or other disease of the skin or any communicable disease shall be tattooed and/or body pierced. All infections resulting from the practice of tattooing and/or body piercing which become known to the operator shall promptly be reported to the Central District Health Department ~~Grand Island Hall County Department of Health~~ by the person owning or operating the tattooing and/or body piercing establishment, and the infected client shall be referred to a physician.

SECTION 9. Section 25-23 of the Grand Island City Code is hereby amended to

read as follows:

§25-23. Certificate of Inspection

An applicant for a license to operate a tattooing and/or body piercing establishment shall first obtain a certificate of inspection from the Central District Health Department ~~Grand Island Hall County Department of Health~~, indicated the establishment has been inspected and is in compliance with the provisions of this Article.

SECTION 10. Section 29-1 of the Grand Island City Code is hereby amended to

read as follows:

§29-1. Nebraska Pure Food Act Enforcement

The Central District Health Department ~~Grand Island Hall County Department of Health~~ shall enforce the Nebraska Pure Food Act, together with any amendments thereto as may be made from time to time, in the inspection of food service establishments, the issuance, suspension and revocation of permits to operate food service establishments, the collection of fees for food service establishment permits, and the prohibiting of the sale of unsound or mislabeled food or drink. One copy of the Nebraska Pure Food Act, and all supplements or amendments thereto shall be filed in the office of the city clerk as provided by law.

SECTION 11. Section 29-4 of the Grand Island City Code is hereby amended to

read as follows:

§29-4. Permit; Required

It shall be unlawful for any person to operate a food establishment without first having obtained a permit from the Central District Health Department ~~Grand Island Hall County Health Department~~. More than one type of permit may be required in one establishment. Permits are issued based on the type of operations conducted within an establishment.

SECTION 12. Section 29-7 of the Grand Island City Code is hereby amended to

read as follows:

ORDINANCE NO. _____ (Cont.)

§29-7. Inspections

All food establishments must be inspected by an authorized representative of the Central District Health Department~~Grand Island Hall County Health Department~~, or its designated representative, prior to obtaining a permit pursuant to this chapter. Inspections of food establishments thereafter shall be conducted periodically by the Central District Health Department~~Grand Island Hall County Health Department~~.

SECTION 13. Section 29-8 of the Grand Island City Code is hereby amended to read as follows:

§29-8. Fees

Except as otherwise provided by §29-9, any person applying for an annual permit under the provisions of this chapter shall annually pay a permit fee established and adopted by the Board of Health in accordance with the City of Grand Island Fee Schedule.

SECTION 14. Section 29-10 of the Grand Island City Code is hereby amended to read as follows:

§29-10. Fees; To Whom Paid

All permit fees paid pursuant to the provisions of this chapter shall be paid to the Central District Health Department~~Grand Island Hall County Health Department~~.

SECTION 15. Section 29-11 of the Grand Island City Code is hereby amended to read as follows:

§29-11. Delinquent Permit Fee

Renewal of the annual permits identified in this chapter shall be made prior to the expiration of the current permit. Permit fees for annual renewals shall be delinquent if the payment has not been received by the Central District Health Department~~Grand Island Hall County Health Department~~ by May 15 for the permits identified in Section 29-5(A), and by October 15 for those permits identified in Section 29-5(B). Establishments shall be assessed a delinquent food permit fee established and adopted by the Board of Health in accordance with the City of Grand Island Fee Schedule if the permits are not paid by these dates.

SECTION 16. Section 29-12 of the Grand Island City Code is hereby amended to read as follows:

§29-12. Penalty Fee

A fee established and adopted by the Board of Health in accordance with the City of Grand Island Fee Schedule will be assessed for operating a food service establishment without a permit, and each day of operation shall be considered a separate offense.

ORDINANCE NO. _____ (Cont.)

SECTION 17. Section 29-13 of the Grand Island City Code is hereby amended to read as follows:

§29-13. Reinstatement Fee

Any person whose permit shall be temporarily suspended under any provision of this chapter shall pay a reinstatement fee established and adopted by the Board of Health in accordance with the City of Grand Island Fee Schedule before such permit is reinstated. Reinstatement shall not be effective until such reinstatement fee has been paid.

SECTION 18. Section 29-17 of the Grand Island City Code is hereby amended to read as follows:

§29-17. Building Plans

A copy of all building plans for new construction and/or remodeling projects for any food establishment covered by Chapter 29 of the Grand Island City Code shall be submitted to the Central District Health Department ~~Grand Island Hall County Health Department~~ prior to the commencement of such work.

SECTION 19. Sections 17-2, 20-13.1, 25-12, 25-13, 25-14, 25-16, 25-19, 25-20, 25-23, 29-1, 29-4, 29-7, 29-8, 29-10, 29-11, 29-12, 29-13 and 29-17 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 20. 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.

Enacted: February 22, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk