
City of Grand Island



Tuesday, February 15, 2005

Study Session Packet

City Council:

Carole Cornelius
Peg Gilbert
Joyce Haase
Margaret Hornady
Robert Meyer
Mitchell Nickerson
Don Pauly
Jackie Pielstick
Scott Walker
Fred Whitesides

Mayor:

Jay Vavricek

City Administrator:

Gary Greer

City Clerk:

RaNae Edwards

7:00:00 PM

Council Chambers - City Hall
100 East First Street

Call to Order

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items form located at the Information Booth. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given.

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

This is an opportunity for individuals wishing to provide input on any of tonight's agenda items to reserve time to speak. Please come forward, state your name and address, and the Agenda topic on which you will be speaking.

MAYOR COMMUNICATION

This is an opportunity for the Mayor to comment on current events, activities, and issues of interest to the community.



City of Grand Island

Tuesday, February 15, 2005

Study Session

Item -1

Presentation by BKD, LLP Relative to Fiscal Year 2004 Electric and Water Audit Reports

Roger Watton, representing BKD, LLP, will present the Independent Auditors' Report of the Financial Statements relative to the City of Grand Island's Electric Department and Water Department for the year ended September 30, 2004.

Staff Contact: David Springer



City of Grand Island

Tuesday, February 15, 2005

Study Session

Item -2

**Presentation of Proposed Code Amendments and Adoption of the
2003 Addition of the International Building Codes and
International Fire Codes**

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director
Meeting: February 15, 2005
Subject: Adoption of 2003 International Building & Residential Codes
Item #'s: 2
Presenter(s): Craig Lewis

Background

The City Of Grand Island has for generations adopted and enforced codes which regulate the construction of buildings within the Grand Island jurisdictional area. The purpose of these codes is to provide minimum requirements to safeguard the public safety, health and general welfare, through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

Discussion

The City currently adopts and enforces the 1997 Uniform Building code. The City Of Grand Island's Building Code Advisory Board has reviewed the 2003 International Building Code and the 2003 International Residential Code and recommends adoption with the revisions outlined in the attached amended chapter 8 of the City Code.

The State of Nebraska has additionally in the recent past approved legislation which establishes a State Building Code and requires political subdivisions who chose to adopt and enforce a Building Code adopt the State Building Code which is the latest edition of the International Codes. The 2003 editions are the latest editions.

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 the February 22, 2005 City Council meeting for approval.

CHAPTER 8

BUILDINGS

Article I. General

Division 1. International Building Code

§8-1. International Building Code (IBC) Adopted

The International Building Code, 2003 Edition, published by the International Code Council, is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by ordinance and set forth in this chapter of the Code. The following sections of the Appendix shall also be adopted: Appendix C Group U – Agricultural Buildings, Appendix I Patio Covers.

One copy of the International Building Code, 2003 Edition, and all supplements or amendments thereto shall be filed in the office of the city clerk as provided by law.

8-1.2 International Residential Code (IRC), Adopted.

The International Residential Code, 2003 Edition, published by the International Code Council, is hereby adopted together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by ordinance and set forth in this chapter of the Code.

One copy of the International Residential Code, 2003 Edition, and all supplements or amendments thereto shall be filed in the office of the City Clerk as provided by law.

§8-2. IBC & IRC - Standards Adopted

The following standards shall be used with the International Building Code and the International Residential Code adopted by §8-1 & 8-1.2 above:

Acceptable Wind Load Design Procedures:

2003 I.B.C. - Basic Wind Speed 90 mph

Exposure C only

Roof Snow Load - 30 pounds per sq. ft.

Frost Depth - 36 inch minimum

Seismic Design Category A, Site Class D

IRC, Table R301.5 Amended live load for sleeping rooms from 30 pounds to 40 pound per square foot.

§8-3. IBC - Certain Sections Not Adopted

It is especially provided that the following chapters, sections, and tables of the International Building Code are not adopted or approved, and the same shall be of no force and effect:

1. Chapter 1 Sections, 101.4.1 Electrical, 101.4.2 Gas, 101.4.3 Mechanical, 101.4.4 Plumbing, 101.4.5 Property Maintenance, 101.4.7 Energy, 103 Department of Safety, 107 Temporary Structures and Uses, 112 Board of Appeals.

2. Chapter 13 Energy Efficiency

3. Chapter 27 Electrical.

4. Chapter 28 Mechanical

5.

6. Chapter 30 Elevators and Conveying Systems.

7. Chapter 32 Encroachments into the Public Right of Way.

8. Chapter 33 Safeguards During Construction.

9. Chapter 34 Existing Structures.

10. Appendix A Employee Qualifications

11. Appendix B Board of Appeals

12. Appendix D Fire Districts

13. Appendix E Supplementary Accessibility Requirements

14. Appendix F Rodent Proofing

15. Appendix G Flood-Resistant Construction

16. Appendix H Signs

17. Appendix J Grading

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8-3.1 IRC, Certain sections and Parts not Adopted.

It is especially provided that the following parts, chapters, and sections of the International Residential Code are not adopted or approved and the same shall be of no force and effect.

Part IV, Energy Conservation

Part V, Mechanical

Part VI, Fuel Gas

Part VII, Plumbing

Part VIII, Electrical

Part X, Appendices

§8-4. There is here by established a Building Code Advisory Board.

BUILDING CODE ADVISORY BOARD

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

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.
- (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.

§8-5. IBC - Amendment of Section 1704.

Sec. 1704. General. Where application is made for construction as described in this section, the owner or the registered design professional in responsible charge, acting as the owner's agent may be required to employ one or more special inspectors who shall provide inspections during construction on the types of work listed under Section 1704.

§8-6.

§8-7. IBC - Amendment of Section 108; Fees; Plan Review Fee

Sec. 108.

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→ Sec. 109.1. Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefor as provided herein.
→ Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

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(a) *General Fees* shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the jurisdiction.

(b) *Permit Fees*. The fee for each permit shall be as set forth in the City of Grand Island Fee Schedule. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

(c) *Plan Review Fees*. When a plan or other data are required to be submitted by Section 106, a plan review fee shall be paid in accordance with the City of Grand Island Fee Schedule at the time of submitting plans and specifications for review. The plan review fees specified in this subsection are separate fees from the permit fees, and are in addition to the permit fees.

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Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Grand Island Fee Schedule.

(d) *Expiration of Plan Review*. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(e) *Investigation Fees: Work Without a Permit*.

(1) *Investigation*. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

(2) *Fee*. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be in accordance with the City of Grand Island Fee Schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

(f) *Fee Refunds*. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

§8-8. IBC - Amendment of Section 109, Add the following section 109.7 Reinspections, to section 109.

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A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the City of Grand Island Fee Schedule.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

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§8-9. IBC - Amendment of Table

602

Table 602 of the International Building Code is hereby amended by adding thereto the following:

The provisions set forth above for RD-Residential Development Zone as identified in Chapter 36 of the Grand Island City Code shall be determined not from the location of a structure from the property line but from the location of a primary structure to another primary structure located on an adjacent lot. All requirements pertaining to fire resistant walls and window opening protection as set forth in Table No. 602 shall be complied with when such adjacent primary structures are closer than ten feet apart. Distance shall be measured at right angles from the wall of one structure to the closest wall of an adjacent primary structure.

§8-10. Reserved

§8-11.

§8-12. IBC - Amendment of Section 1025.1 and IRC Amendment to Section R310

The following added to exceptions.

EXCEPTION: Basements used exclusively for the service of buildings and which do not exceed 300 square feet.

In existing single family residential occupancies other than apartments, a sleeping room may be added in an existing basement if the following conditions are met:

- (1) The sleeping room must have an openable window.
- (2) Smoke detectors have been installed in the sleeping room, the furnace room, and in the exitway of the basement.

(a) §8-13 Delete Chapter 13 in both IBC&IRC revisions and adoption at later date.

§8-14. IBC Section 1805.2.1 Delete 2. Constructing in accordance with ASCE-32;

§8-15. IBC - Addition to Section 1805.

Section 1805.4 of the International Building Code is hereby amended by adding the following:

Bearing Walls

Bearing walls shall be supported on masonry or concrete foundations or piles or other approved foundation system which shall be of sufficient size to support all loads. Where a design is not provided herein, the minimum foundation requirements for stud bearing walls shall be as set forth in Table No. 1805.4.2.

EXCEPTIONS:

- (1) A one-story wood or metal frame building not used for human occupancy and not over 200 square feet in floor area, may be placed upon a concrete slab of four inch minimum thickness.
- (2) Detached accessory buildings not exceeding 625 feet in floor area may use a six-inch wide by eighteen inch deep foundation system with at least twelve inches below grade.

Section 1805.2.1 Frost protection. Delete 2. Constructing in accordance with ASCE-32;

§8-16. IRC - Add Section R403.1.1.2.

Sections R403 Footings, & R404 Foundation Walls of the International Residential Code is hereby amended by adding the following to read as follows:

(j) Minimum Footing and Foundation Requirements for Residential Construction

(1) The minimum footing foundation requirement, balanced fill, for a one-story residence shall be six (6) inches in width by thirty-six (36) inches below grade, with two #4 horizontal rebar continuous.

(2) The minimum footing foundation requirement, unbalanced fill, for a one- or two-story frame residence shall be sixteen (16) inches in width by eight (8) inches deep, with two #4 rebar continuous and a minimum eight (8) inch wall of block or concrete.

(3) In addition to the requirements set forth in subparagraphs (1) and (2) above, the following reinforcement requirements for wall foundation must be met:

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- The yard space required by this subparagraph may be satisfied by a restriction of record upon the required yard space created through agreement between adjacent property owners and the City of Grand Island
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8" solid concrete from 60" up to 84" unbalanced fill – three #4 horizontal strands, equally spaced throughout height of wall;
 8" block - from 48" to 60" unbalanced fill - one #4 rebar vertical, 4' on center to grade height;
 8" block - from 60" to 84" unbalanced fill - one #4 rebar vertical, 4' on center to top of foundation.

~~§8-17. IBC & IRC Amendment to Section 1807 & R406~~
 Section 1807 of the International Building Code and Section R406 of the International Residential Code is hereby amended by adding thereto the following:

~~Backplaster and Dampproofing~~

Exterior foundation walls below grade of any building consisting of masonry units having a basement shall be backplastered with one-half inch (1/2") Portland cement and sand mix (1:2 1/2 by volume) or two one-fourth inch (1/4") coats of Type M mortar, and with an approved dampproofing material. Poured concrete foundations shall be coated with dampproofing without back plaster. Alternative dampproofing may be approved by the building official.

~~Subsurface Drainage Systems~~

All buildings constructed with basements or floor levels twenty-four (24) inches or more below the elevation of the center line of the adjacent public street shall be provided with a subsurface drainage system. A subsurface drainage system shall consist of the minimum following elements:

- (1) Minimum four (4") diameter perforated or scored drain pipe embedded in four inches (4") of coarse gravel installed around the inside of the perimeter footing such that no floor location is greater than ten feet (10') to such drain
- (2) Minimum fifteen inch (15") diameter by thirty inch (30") deep sump pump pit for each one thousand five hundred (1,500) square feet of floor area to be drained.
- (3) Minimum two inch (2") diameter weep holes through the footing at eight foot (8') on center intervals with a minimum of four inch (4") of gravel cover on the exterior of the footing.
- (4) Minimum four inch (4") gravel bed under floor slab.

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~~§8-18 Delete Section R406.2 IRC.~~

~~§8-19. The following sections of the IRC shall be amended, deleted, or not adopted.~~

- ~~R101.2 Scope. Exception, deleted~~
- ~~R102.7 Existing structures. Deleted.~~
- ~~R105.2 Work Exempt from permits. Amend 1. One story detached accessory structures, provided the floor area does not exceed 200 square feet to 120 square feet.~~
- ~~Section R107 Temporary Structures and Uses. delete.~~
- ~~R109.1.3 Floodplain inspections. delete.~~
- ~~Section R112 board of Appeals. delete.~~
- ~~Chapter 3 Building Planning.~~
- ~~R301.2 delete, and set forth in table R301.2(1).~~
- ~~R301.2.1 amend, Basic wind speeds shall be as identified in the Grand Island City Of Grand Island code.~~
- ~~Table R301.5 amend, sleeping rooms live load 40 pounds pr square foot.~~
- ~~R302.1, Exception: amend, Detached garages accessory to a dwelling located within 2 feet of a property line may have roof eaves projections not exceeding 12 inches.~~
- ~~R311.4.3 Landings at doors. Delete Exception: Where a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door.~~
- ~~R311.5.3.1 Riser Height. Amend the maximum riser height shall be 73/4 inched to the maximum riser height shall be 8 inches.~~
- ~~Section R323 Flood-Resistant Construction. Delete~~
- ~~R403.1.4.1 Frost protection. Delete 2. Constructing in accordance with Section R403.3: 3. Constructing in accordance with ASCE 32-01. Amend exceptions: Ito include provisons stated in 8-17.~~

Deleted: . UBC - Amendment of Section 3102.3.8
 → Sec. 3102.3.8 is hereby amended by deleting from the first sentence, "Where determined necessary by the building official due to local climatic conditions or where sparks escaping from the chimney would create a hazard."¶

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 → Buildings and other structures and all portions thereof that are subject to snow loading shall be designed to resist the snow loads, as determined by the building official, in accordance with the load combinations set forth in Section 1612.2 or 1612.3¶
 → Potential unbalanced accumulation of snow at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered

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~~R403.3 Frost protected shallow foundations. Delete.~~

~~R403.3.1, R403.3.1.1, R403.3.1.2, R403.3.2, R403.3.3, & R403.3.4 R406.2, Delete~~

~~§8-20~~

§8-21. Buildings Having Historical Significance

Buildings or structures which have been designated by official action of the Grand Island City Council as having special historical or architectural significance may comply with Section 3407 of the International Building Code for historic buildings.

Historical buildings shall be buildings which are currently listed on the National Register of Historical Buildings or are at least fifty years old and have one of the following characteristics: is associated with an important person or event which has contributed significantly to history, contains significant architectural or artistic design, or has significant archeological properties.

§8-22. Permits Required; Amendment of Section 105, IBC & R105, IRC
Section 105 shall be amended by adding the following:

No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done without first obtaining a separate building permit for each such building or structure from the Building Department; provided, no permit shall be issued by the Building Department unless and until authorized by resolution of the City Council in any one or more of the following cases:

- (1) Where the real property described in the application for permit does not front upon a dedicated street or public road;
- (2) Where a subdivision as required by state statutes has not been lawfully approved and recorded with the Register of Deeds.
- (3) When the City Engineer certifies that surface water drainage is unavailable or inadequate to drain the public street or road abutting upon the real property described in the application for permit.
- (4) Where the City Engineer certifies that surface water drainage from the real property described in the application for permit will create or add to an impounding of surface water upon a public street or road.

§8-23. Temporary Retail Buildings; Restrictions

No person, firm, or corporation shall erect, construct, equip, use, occupy, or maintain any temporary building or structure in the City or two-mile jurisdiction or cause the same to be done without first obtaining a separate building permit for each such temporary building from the Building Department.

Temporary buildings shall be those buildings built and designed for use no longer than 120 calendar days to facilitate special events or annual sales.

Temporary buildings shall be constructed to support required wind load, adequately anchored, and located no closer than 20 feet to any adjacent structure, or be separated by a two-hour fire wall. Exterior walls shall be one-hour fire resistive if less than 20 feet from a property line, and the allowable area shall comply with the adopted building code.

Exiting shall be provided as required for permanent buildings.

Temporary buildings shall not be connected to permanent utilities, e.g., sewer, water, electric, or gas.

Temporary buildings permits shall be limited to one per tract of land, not to exceed 120 days per calendar year. The fee for a temporary building permit shall be in accordance with the City of Grand Island Fee Schedule.

§8-24. Commercial Display Buildings; Definition; Restrictions

No person, firm, or corporation shall place upon any property, any commercial display building without first obtaining a permit from the Building Department for the placement of such commercial display building(s).

Commercial display buildings shall be those structures which are offered for sale or used as display or inventory. They shall not be used for any other purpose, occupied, or used as storage facilities.

Commercial display buildings shall be constructed to support required wind loads, be adequately anchored, and in all other aspects comply with adopted building and zoning codes.

Commercial display buildings shall not be connected to permanent utilities.

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Sec. 1516.3 Overlay on Existing Wood Roofs or Asphalt Shingle Roofs

→(a) General. Based on inspection of the existing roofing, the building official may permit the recovering of existing shingle or shake roofing in accordance with the provisions of this section.

→(b) A maximum of one application of asphalt shingles shall be applied over an existing asphalt shingle or wood shingle roof.

→(c) A maximum of one application of wood shingles shall be applied over an existing asphalt shingle or wood shingle roof.

→(d) A maximum of one application of wood shake shingles shall be applied to any roof. New roof covering shall not be applied over an existing shake roof.

→(e) A maximum of one application of wood shake shingles shall be applied over an existing asphalt shingle or wood shingle roof.

→(f) Rusted or damaged flashing, vent caps and metal edgings shall be replaced with new materials as necessary.

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The fee for commercial display buildings shall be in accordance with the City of Grand Island Fee Schedule.

§8-25. Barb Wire and Electrified Fences

It shall be unlawful for any person, partnership, firm, or corporation, either in person or through his or their employees or agents, to erect or cause to be erected or to maintain any barb wire or electrified fence or any barb wire or electrified string along or upon any fence or string as a barrier within the city limits of the City of Grand Island, except that it shall be permissible to string not more than three strands of barb wire or electrified fence upon supports inclined at an angle not greater than sixty degrees with the horizontal plane, when such wires are strung so that they are suspended above and within the privately owned enclosed property, and the bottom strand of such barb wire or electrified fence is not less than six feet above the surface of the ground.

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§8-26. Reserved

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Division 3. Swimming Pools

§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.

§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.

§8-42. Swimming Pool; General

The pool shall be constructed or assembled so as to be water tight, easily cleaned and maintained, made of non-absorbent and durable material, and be free of open cracks and joints.

§8-43. Swimming Pool; Conformance with Codes

All building, plumbing, electrical, and other codes as adopted by the City Council shall be adhered to in the construction or assembly of the private swimming pool.

§8-44. Swimming Pool; Enclosure Required

Every private swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height which shall be of a type which precludes passage through or under and is not readily climbable by small children. This shall not mean an additional fence within a completely fenced yard, provided, the fence meets the stated minimum requirement. All gates shall be equipped with a latch which is not readily operated by small children.

The main building, or any accessory structure, on the site may form part of the enclosure. The sides of above-ground pools are acceptable as integral barriers, provided, that the sides extend not less than four (4) feet above the outside ground at all points, and provided further, that access steps or ladders are capable of being rendered inaccessible by being removed or raised more than four (4) feet above the outside grade.

§8-45. Swimming Pool; Retroactivity

The lack of a minimum enclosure as herein described, on any existing pool, is hereby deemed to be a serious public safety hazard. The owner of the property, upon which such a pool is located, shall comply with the enclosure requirements of §8-44 within thirty (30) days after date of notification to comply.

§8-46. Swimming Pool; Discharge System

All private swimming pools constructed after the effective date of this ordinance shall be provided with an approved drainage outlet to the city sanitary sewage system, or may be used for surface irrigation of the owner's property, provided, that no water shall overflow onto adjacent private or public property in a manner as to cause a nuisance.

§8-47. Reserved

§8-48. Reserved

§8-49. Reserved

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Article II. Permits Generally

§8-50. Reserved

§8-51. Buildings Not Otherwise Provided

If permits pursuant to the Grand Island City Code are requested for buildings or structures not otherwise provided for, valuations of the cost of such building shall be based upon written estimate filed with the building department.

§8-52. Valuation; Commercial and Industrial Buildings

For commercial and industrial buildings the fees to be collected for permits pursuant to this article shall be based upon the value as determined by the figures fixed by the contract for construction.

§8-53. Review of Plans by Fire Department; Fee

In addition to the building permit fee, there shall be a fire plan review fee in accordance with the City of Grand Island Fee Schedule paid to the fire department for the review of said plans as required by state statutes.

§8-54. Construction Prior To Permit Issuance

When any construction, alteration or repair of buildings shall have been started before a permit therefor has been issued, an investigation fee in addition to the building permit fee shall be collected. The investigation fee shall be in accordance with the City of Grand Island Fee Schedule.

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§8-55. Reserved

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Article III. Reserved

§8-64. Reserved

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Article IV. Moving Buildings

§8-75. Registration Required to Move Buildings

(A) It shall be unlawful for any person to engage in the business of moving houses and buildings within the City limits and within two miles of the corporate boundary of said City without first being registered as such by the City and paying the fee therefor; provided, however, no registration shall be required to move a building which has a floor surface of one hundred square feet or less. Buildings which do not exceed sixteen feet in width or twenty-four feet in length may be exempted from the requirements of

this Article by the chief building official upon finding that such exemption would not adversely affect the public interest. Such registration shall be issued by the chief building official, and the same shall expire on December 31 of the year the same is issued.

(B) The registration fee shall be paid in accordance with the City of Grand Island Fee Schedule.

§8-76. Insurance

(A) Every registration 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 registrant, including coverage for completed operations, with limits of not less than \$300,000 per occurrence for bodily injury and property damage.

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

(B) The registrant shall furnish the city building department with 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.

§8-77. Permit - Required; Fee

Before any house or building can be moved, a permit must be issued authorizing the moving of the same. Upon the granting of a moving permit, the applicant shall pay a fee to the City in accordance with the City of Grand Island Fee Schedule.

§8-78. Height and Width Restrictions; Permits

No permit shall be issued to move any house or structure if any part thereof has a loaded height in excess of twenty-six feet, and if any part thereof at its greatest width is in excess of thirty-four feet; provided, except, the chief building official may authorize the granting of permits in cases of buildings exceeding such width or height limitation, or both, when there is filed and deposited in the office the following:

(1) An application for a specific permit to move a specific building or structure, in triplicate, with the following documents attached thereto, to wit:

(a) A drawing or chart showing the specific route proposed to be followed, and exact location of buildings, structures, trees, and other objects which may interfere with the moving of such building or structure.

(b) A drawing to scale showing the dimensions of length, width, and height, and kind of structure proposed to be moved.

(c) Agreement of all property owners who may be affected by reason of trimming of trees, or ownership of structures, or device, legally above, upon, or under the surface of any such street, waiving any and all claims against the City of Grand Island for damages which may happen to any such trees, pavement, curb, driveway, pole, structure, or device.

(d) Statements of the city engineer, utilities director, chief of police, and fire chief relating to their approval of the arrangements for such moving.

(e) Consent to the moving of such building or structure of any affected telephone company, gas company, telegraph company, railroad(s), and waiver of every and all claims for damages against the City with regard thereto.

(2) The permit fee required by §8-77 of this Code.

(3) The chief building official may waive any of the foregoing requirements determined to be inapplicable or unnecessary to protect the public interests.

§8-79. Examination of Building; Denial of Permit

Before a permit is issued for any of the operations defined by this article and before any of the operations defined herein shall have begun, the chief building official shall examine the building, structure or part thereof on which it is desired to perform such operations, and the chief building official shall refuse to grant a permit for same if any of the conditions following are found to exist:

(1) No building shall be removed from its present location or lot to a new location or lot so situated that the construction on such new location or lot of a similar new building would be in violation of any of the provisions of this article.

(2) No building shall be moved that is more than fifty percent structurally deficient.

§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.

§8-81. New Construction Requirements

No building or structure, regardless of size, which has been moved shall be placed or located within the city unless it shall comply with the requirements of new construction.

§8-82. To be Moved on Permitted Streets Only

It shall be unlawful for any such housemover under the permit to move the structure for which the permit is given, over, upon or along other streets than those mentioned in the permit.

§8-83. Planking of Streets When Required

It shall be the duty of any person moving any house or structure to plank streets if and when ordered so to do by the chief building official.

§8-84. Utility Lines; Mover to Pay Expenses

It shall be the duty of the mover of houses and buildings to pay all expenses and costs incurred in the lifting, removal, and restoration of all utility wires, conduits and poles.

§8-85. Building on Street; Misdemeanor

It shall be unlawful for any mover of houses or buildings or the owner of any house or building being moved under the provisions of this article to allow the same to remain standing on any street or public grounds longer than is reasonable and necessary, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be punished as hereinafter provided.

§8-86. Protecting Public During Moving

It shall be the duty of the mover of houses and buildings to exercise due care at all times to protect the public from injury or accidents. It shall be the duty of such movers of houses and buildings to provide watchmen to warn the public if and when any wires, ropes or cables are extending across streets or alleys or public grounds so that the public will not be injured thereby.

If during the moving of any house or structure it shall become necessary to leave the same standing on any street, avenue, highway or public place, the same shall be left standing as near to the right side of the road as possible in order to leave free passage on the other side thereof. It shall further be the duty of the mover of houses and buildings to leave lighted flares about such house or structure or moving equipment left standing over night in any such street, avenue, highway or public place during the hours between sunset and sunrise.

§8-87. Moving Equipment to be Rubber Tired

No permit shall be issued by the chief building official to move any house or structure unless the moving equipment employed by the mover of houses and buildings is rubber tired in order to safeguard and protect streets, avenues, alleys, highways and public grounds from being damaged.

§8-88. Leave Property in Safe, Clean Condition

It is hereby declared unlawful for any mover or owner of houses and buildings to move any building or structure in such a manner that there shall remain holes or depressions dangerous to life or limb; there shall not remain debris or rubbish from which dust or offensive odors shall emanate detrimental to public health. Such premises shall be left in a safe, clean, and sanitary condition. When a building has been moved for the purpose of erecting thereon another building or structure, the chief building official at his discretion may permit the owner of such property to maintain for a period not to exceed six months any remaining hole or depression if the following conditions are met: Such hole or depression is maintained in a sanitary condition and kept clean of all rubbish or debris of any nature; that such hole or depression is surrounded and protected by a strong and suitable barricade not less than five feet high; that such barricade is maintained in a sound and proper condition; and that said owner shall covenant for himself, his heirs and assigns, to properly fill such remaining hole or depression at the conclusion of the said six month period unless building operations thereat have then been begun; provided, that the city council may, upon good cause shown, extend the period of time during which the hole or depression may be maintained, subject to any conditions that the city council may prescribe.

§8-89. Mover to Disconnect Utilities

It shall be the duty of the property owner and the house or building mover to see that all utilities such as water, gas, sewer and electricity are shut off either at the street line or in the alley. The sewer service from the house to the alley shall be properly closed at the main sewer line in accordance with the ordinances of the City. If the water service to the property is to be abandoned, the abandonment shall be in accordance with the requirements Chapter 35 of this Code. No permit to move a house or building may be issued until this section is complied with.

§8-90. Applicability of Article

The provisions of this Article pertaining to the moving of buildings and structures shall apply with equal force and effect to such operations within the corporate limits of the City and all that area within two miles of the corporate boundary of said City.

§8-91. Penalty for Violation; Continuing Violations

Any person violating any of the provisions of this Article shall upon conviction be deemed guilty of a misdemeanor. If any such person shall permit such violation to continue, each day shall be considered a separate offense and be punished accordingly.

§8-92. Reserved

§8-93. Reserved

§8-94. Reserved

§8-95. Reserved

§8-96. Reserved

Article V. Razing and Demolishing Buildings

§8-97. Registration Required; Fee; Term

(1) Any person engaged in the business of razing and demolishing buildings and houses in the City and in the area within two miles of the corporate boundary of said City, shall, before starting such business in the City or within such two mile area beyond its corporate limits, secure from the chief building official a certificate of registration to engage in such business.

(2) The annual registration fee and the renewal fee for such registration, which shall expire on December 31, following the date of issuance, shall be in accordance with the City of Grand Island Fee Schedule.

§8-98. Permit to Raze Building

Any person registered under this article to engage in the business of razing and demolishing buildings and houses shall, before proceeding with such razing or demolition of any structure in the city or within two miles of the corporate boundary of said city, secure a permit to do so from the chief building official. Such permit shall not be granted until after the payment of the permit fee hereinafter set forth.

§8-99. Permit to Raze Building; Fees

It shall be the duty of the chief building official to collect fees for razing and demolishing of structures in the same manner and in the same amount as set forth in the City of Grand Island Fee Schedule pertaining to building permit fees.

§8-100. Insurance

(1) Every registrant 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:

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

(b) The City of Grand Island shall be listed as an additional party insured as to any third party claims for bodily injury or property damage based upon occurrences in connection with the registrant's operations, including completed operations, within the City's zoning jurisdiction.

(2) The registrant shall furnish the City building department with 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.

§8-101. Right of Owner to Raze Own Buildings

Any person may raze or demolish one or two story dwellings, provided he is the actual owner thereof and does the work himself and for himself without compensation from others. Such building or buildings must be situated at least twenty feet from the front lot line and at least eight feet from other buildings situated on either side or to the rear thereof. It is expressly provided that any such owner may raze or demolish such dwellings without first securing the registration provided in §8-97 hereof; provided, however, such owner must secure a permit so to do from the chief building official and pay the permit fee and call for inspections by the chief building official. Such owners must otherwise comply with all of the other provisions of this article.

It is expressly provided that the right of an owner to raze or demolish his own dwellings shall include the right to raze or demolish a private garage.

§8-102. Leave Property in Safe, Clean Condition

It is hereby declared unlawful for any registrant to raze or demolish any building or structure in such a manner that there shall remain holes or depressions dangerous to life or limb. The registrant shall remove from the site all wood, metal, and foundation and footing materials subject to decomposition. Concrete, bricks, and concrete blocks may be used as fill material for holes or depressions; provided, the materials are entirely covered by fill sand or earth which is then compacted. Holes must be made in concrete floors to permit passage of water.

§8-103. Responsibility to Disconnect Utilities

It shall be the duty of the registrant to see that all utilities such as water, gas, sewer and electricity are shut off either at the street line or in the alley. The service sewer from the house to the alley shall be properly closed at the main sewer line in accordance with the ordinances of the city. The water service line shall be properly closed at the main water line in accordance with Chapter 35 of this Code. The registrant must provide certification that the building has been inspected by a State of Nebraska certified asbestos inspector or removal contractor and that either no asbestos materials exist or all have been properly removed. No permit to raze or demolish a house or building may be issued until after compliance with this section. The city will not burn a house or building at the owner's request until the owner has complied with this section.

§8-104. Penalty for Violation

Any person violating the provisions of this article shall upon conviction be deemed guilty of a misdemeanor. Each day shall constitute a separate offense and be punishable as provided in this Code.

§8-105. Reserved

§8-106. Reserved

§8-107. Reserved

§8-108. Reserved

§8-109. Reserved

Article VI. Abatement of Unsafe Buildings

§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.

§8-111. Written Notice; Mailing, Contents

Whenever the Building Department Director, or his/her designee has inspected any building or other structure, or any part thereof and determined that such property is a dangerous building, he/she shall send a written notice to the owner of record of the property by ordinary first class mail and by certified mail, return receipt requested, to the last known address of said owner. The written notice shall contain the following information:

- (1) The street address and a legal description sufficient for identification of the premises on which the dangerous property is located.
- (2) A brief and concise description of the conditions found to render the property dangerous as defined by this Code.
- (3) A brief and concise description of the action required to be taken to render the property in compliance with this Code.
- (4) A brief and concise statement advising the owner of record that if required repair, alteration, rehabilitation, demolition or removal work is not completed within the time specified, the Building Department Director, or his/her designee may order the dangerous property vacated and posted to prevent further occupancy until the work is completed, and may request consent of the mayor to have the city attorney file an action to abate the public nuisance and charge the costs thereof against the real estate and the owner of record.

§8-112. Notice to Vacate; Posting

In the event the Building Department Director, or his/her designee directs any building or other structure or any portion thereof to be vacated, a copy of a notice to vacate shall be served along with the written notice set forth in §8-111 and shall be posted at or upon each entrance to the property in substantially the following form:

NOTICE TO VACATE
DO NOT ENTER - UNSAFE TO OCCUPY
It is a misdemeanor to occupy this property
or to remove or deface this notice to vacate.
Dated _____
CITY OF GRAND ISLAND, NEBRASKA,
A Municipal Corporation
By _____
Building Department Director

§8-113. Maintenance of Public Nuisance Unlawful

It shall be unlawful for any owner of record to maintain or permit any person to occupy any building or other structure or any part thereof which is declared a public nuisance by the chief building official at the expiration of the time period specified in the written notice set forth in §8-111, or to permit any person to occupy any building or other structure or any part thereof in violation of the Notice to Vacate set forth in §8-112.

§8-114. Procedure for Abatement of Nuisances

If the owner of record of any property declared to be a public nuisance by the Building Department Director, or his/her designee fails to abate said nuisance within the time specified in the written notice set forth in §8-111, the City of Grand Island, at the written request of the Building Department Director, or his/her designee directed to the City Attorney, may proceed to abate said public nuisance pursuant to §20-15 of the Grand Island City Code, and charge the costs thereof against the real estate or the owner of record.

In the event continuation of a public nuisance might cause irreparable harm or poses a serious threat to public health, safety or welfare or the health, safety or welfare of residents of the property in violation, the written notice to abate pursuant to §20-15 shall not be required as a condition precedent to commencing a legal action to obtain abatement of the nuisance and the City of Grand Island, with the consent of the Mayor, may immediately file an action requesting such temporary or permanent order as is appropriate to expeditiously and permanently abate said nuisance and protect the public health, safety or welfare or the health, safety or welfare of the residents of the property in violation.

§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.

§8-116. Reserved

§8-117. Reserved

§8-118. Reserved

§8-119. Reserved

Article VII. Property Maintenance Code
Division 1. Title and Scope

§8-120. Title

These regulations shall be known as the "Property Maintenance Code," may be cited as such, and will be referred to herein as "this code."

§8-121. Purpose

The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use of occupancy, location and maintenance of all residential and commercial building and structures within this jurisdiction.

§8-122. Scope

The provisions of this code shall apply to all buildings or portions thereof. Such occupancies in existing buildings may be continued as provided in the Building Code, except such structures as are found to be substandard as defined in this code.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Every rooming house or lodging house shall comply with all the requirements of this code for dwelling.

§8-123. Application to Existing Buildings and Structures

(1) *Additions, Alterations or Repairs.* For additions, alterations or repairs, see the Building Code.

(2) *Relocation.* Buildings or structures moved into or within this jurisdiction shall comply with the requirements in the Building Code for new buildings and structures.

- §8-124. Reserved
- §8-125. Reserved
- §8-126. Reserved
- §8-127. Reserved

Division 2. Enforcement

§8-128. General

(1) *Authority.* The building official is hereby authorized and directed to enforce all of the provisions of this code. For such purposes, he shall have the powers of a law enforcement officer. He is empowered to adopt and enforce rules and regulations to clarify and expand the provisions of this code in conformity with the spirit and intent of its stated purpose.

(2) *Right of Entry.* Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(3) *Responsibilities Defined.* Every owner remains liable for violation of duties imposed upon him by this code even though an obligation is also imposed on the occupants of his building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code.

All buildings and structures and all parts thereof shall be maintained in a safe and sanitary condition. The owner or his designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be reinspected.

Every owner, or his agent, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Every owner shall, where required by this code, the health ordinance or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Every occupant of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage and other organic waste in a manner required by the health ordinance and approved by the health officer.

Every occupant shall, where required by this code, the health ordinance or the health officer, furnish and maintain approved devices, equipment or facilities necessary to keep his premises safe and sanitary.

§8-129. Substandard Buildings

All buildings or portions thereof which are determined to be substandard as defined in this Code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Article VI of Chapter 8 of the Grand Island City Code.

§8-130. Violations

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair,

move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

§8-131. Reserved

§8-132. Reserved

§8-133. Reserved

§8-134. Reserved

Division 3. Permits and Inspections

§8-135. General

No building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official in the manner and according to the applicable conditions prescribed in the Building Code.

§8-136. Fees

Whenever a building permit is required by the Building Code, the appropriate fees shall be paid to the building official as specified for building permits in the City of Grand Island Fee Schedule.

§8-137. Inspection

All building or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and the Building Code.

§8-138. Reserved

§8-139. Reserved

§8-140. Reserved

Division 4. Definitions

§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 this jurisdiction

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 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.

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

§8-142. Reserved

§8-143. Reserved

§8-144. Reserved

Division 5. Space and Occupancy Standards

§8-145. Location on Property

All buildings shall be located with respect to property lines and to other buildings on the same property as required by the Building Code.

§8-146. Yards and Courts

(1) *Scope.* This section shall apply to yards and courts having required windows opening therein.

(2) *Yards.* Every yard shall be not less than 3 feet in width for one-story and two-story buildings. For buildings more than two stories in height the minimum width of the yard shall be increased at the rate of 1 foot for each additional story. Where yards completely surround the building, the required width may be reduced by 1 foot. For buildings exceeding 14 stories in height, the required width of yard shall be computed on the basis of 14 stories.

(3) *Courts.* Every court shall be not less than 3 feet in width. Courts having windows opening on opposite sides shall be not less than 6 feet in width. Courts bounded on three or more sides by the walls of the building shall be not less than 10 feet in length unless bounded on one end by a public way or yard. For buildings more than two stories in height the court shall be increased 1 foot in width and 2 feet in length for each additional story. For buildings exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two stories in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet in area and leading to the exterior of the building unless abutting a yard or public way. The construction of the air intake shall be as required for the court walls of the building, but in no case shall be less than one-hour fire-resistive.

§8-147. Room Dimensions

(1) *Ceiling Heights.* Habitable space shall have a ceiling height of not less than 7 feet 6 inches except as otherwise permitted in this section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

(2) *Floor Area.* Every dwelling unit shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

EXCEPTION: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

(a) The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

(b) The unit shall be provided with a separate closet.

(c) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.

(d) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(3) *Width.* No habitable room other than a kitchen shall be less than 7 feet in any dimension.

Each water closet stool shall be located in a clear space not less than 30 inches in width and a clear space in front of the water closet stool of not less than 24 inches shall be provided.

§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 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.

§8-149. General

(1) *Dwelling Units and Lodging Houses.* Every dwelling unit and every lodging house shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

(2) *Hotels.* Where private water closets, lavatories and baths are not provided, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets, lavatories and baths shall be provided on each floor for each sex at the rate of one for every additional ten guests, or fractional number thereof in excess of ten. Such facilities shall be clearly marked for "Men" or "Women."

(3) *Kitchen.* Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted.

(4) *Fixtures.* All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

All plumbing fixtures shall be of an approved glazed earthenware type of a similarly nonabsorbent material.

(5) *Water Closet Compartments.* Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with the Building Code.

(6) *Room Separations.* Every water closet, bathtub or shower required by this code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.

(7) *Installation and Maintenance.* All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

§8-150. Grading and Drainage

All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

§8-151. Accessory Structures

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

§8-152. Insect Screens

During the period from June 1 to October 31 every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

EXCEPTION: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

§8-153. Doors

All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

§8-154. Accumulation of Rubbish or Garbage

The interior of every structure shall be free from any accumulation of litter, as defined in §17-1 of the Grand Island City Code.

§8-155. Reserved

§8-156. Reserved

§8-157. Reserved

§8-158. Reserved

Division 6. Structural Requirements

§8-159. General

(1) *General.* Buildings or structures may be of any type of construction permitted by the Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.

(2) *Shelter.* Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

(3) *Protection of Materials.* All wood shall be protected against termite damage and decay as provided in the Building Code.

§8-160. Reserved

§8-161. Reserved

§8-162. Reserved

Division 7. Mechanical Requirements

§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.

§8-164. Facilities Required

Every building used for human occupancy shall be provided with an electrical system in compliance with the requirements of the National Electric Code – NFPA Article 70.

§8-165. Receptacles

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one receptacle.

§8-166. Lighting Fixtures

Every public hall, interior stairway, watercloset compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

§8-167. Service

The size and usage of appliances and equipment shall be used as a basis for determining the need for additional facilities in accordance with NFPA 70. Every dwelling shall be served by a main service which is not less than 60 ampere, three wire.

§8-168. Installation

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

§8-169. Electrical System Hazards

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

§8-170. Reserved

§8-171. Reserved

§8-172. Reserved

Division 8. Exits

§8-173. General

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by the Building Code.

Every sleeping room below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

§8-174. Reserved

§8-175. Reserved

§8-176. Reserved

Division 9. Fire Protection

§8-177. General

(1) All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Building Code for the appropriate occupancy, type of construction and location on property; and shall be provided with the appropriate fire-extinguishing systems or equipment required by the Building Code.

(2) *Smoke detector; number; location; operation.* Smoke detectors shall be mounted in accordance with the rules and regulations regarding the number and location of smoke detectors in accordance with the Building Code. When activated, the detector shall provide an alarm in the dwelling unit, guest room, dormitory, or mobile home.

(3) *Smoke detector; rental property; responsibility for installing, maintaining.*

(a) Except as provided in subsection (b) of this subsection, the owner of every apartment house, dwelling, hotel, lodging house, dormitory, or manufactured home or the owner's authorized agent shall be required to supply, install, maintain, and test the smoke detectors.

(b) In case of a dwelling unit, guest room, hotel room, or manufactured home which is being occupied for one month or more by the same occupant, it shall be the responsibility of such occupant to perform the tests on the smoke detector as are recommended by the manufacturer's instructions and immediately notify, in writing, the owner or authorized agent of any deficiencies. The owner of the dwelling, apartment house, lodging house, hotel, or manufactured home shall provide a notice to such occupant containing instructions for the testing of the device. For purposes of this subsection, deficiencies shall not include a worn battery or other replaceable energy unit. The occupant shall be responsible for replacement of the battery or unit, except that such battery or unit shall be in operating condition at the time the occupant takes possession. The owner or authorized agent shall correct any reported deficiencies in the smoke detector and shall not be in violation of this section for a deficient smoke detector when he or she has not received notice of the deficiency.

(c) In buildings constructed prior to January 1, 1982, smoke detectors shall not be required to be attached to a centralized power source.

(d) Subsection 3 of §8-177 shall apply solely to rental property.

§8-178. Reserved

§8-179. Reserved

§8-180. Reserved

§8-181. Reserved

Division 10. Substandard Buildings

§8-182. Standards

(1) *General.* Any building or portion thereof, including any dwelling unit, guest room, or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public, or the occupants thereof, shall be deemed and hereby is, declared to be a substandard building. The extent of danger of life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be determined by the chief building official and the health and sanitation officer, and upon request, the fire chief.

(2) *Inadequate Sanitation.* Inadequate sanitation shall include but not be limited to the following:

- (a) Lack of, or improper water closet, lavatory bathtub or shower in a dwelling unit or lodging house.
- (b) Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.
- (c) Lack of, or improper kitchen sink in a dwelling unit.
- (d) Lack of hot and cold running water to plumbing fixtures in a hotel.
- (e) Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
- (f) Lack of adequate heating facilities.
- (g) Lack of, or improper operation of required ventilating equipment.
- (h) Lack of minimum amounts of natural light and ventilation required by this code.
- (i) Room and space dimensions less than required by this code.
- (j) Lack of required electrical lighting.
- (k) Dampness of habitable rooms.
- (l) Infestation of insects, vermin or rodents as determined by the health officer.
- (m) General dilapidation or improper maintenance.
- (n) Lack of connection to required sewage disposal system.
- (o) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(3) *Structural Hazards.* Structural hazards shall include but not be limited to the following:

- (a) Deteriorated or inadequate foundation.
- (b) Defective or deteriorated flooring or floor supports
- (c) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (d) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
- (e) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (f) Members of ceilings, roofs, ceiling and roof supports or other horizontal members with sag, split or buckle due to defective material or deterioration.
- (g) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (h) Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration.
- (i) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(4) *Nuisance.* Any nuisance as defined in this code.

(5) *Hazardous Electrical Wiring.* Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard.

(6) *Hazardous Plumbing.* Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.

(7) *Hazardous Mechanical Equipment.* Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered substandard.

(8) *Faulty Weather Protection,* which shall include but not be limited to the following:

- (a) Deteriorated, crumbling or loose plaster.

(b) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.

(c) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(d) Broken, rotten, split or buckled exterior wall coverings or roof coverings.

(9) *Fire Hazard*. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(10) *Faulty Materials of Construction*. All materials of construction except those which are specifically allowed or approved by this code and the Building Code, and which have been adequately maintained in good and safe condition.

(11) *Hazardous or Unsanitary Premises*. Those premises on which an accumulation of litter, weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.

(12) *Inadequate Exits*. Except for those buildings or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the building official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exits, or where other conditions exist which are dangerous to human life.

(13) *Inadequate Fire-protection or Fire-fighting Equipment*. All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(14) *Improper Occupancy*. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

§8-183. Reserved

§8-184. Reserved

§8-185. Reserved

Division 11. Graffiti

§8-186. Intent

Graffiti on public and private property is a blighting factor which not only depreciates the value of the property which has been the target of such malicious vandalism, but also depreciates the value of the adjacent and surrounding properties, and in so doing, negatively impacts upon the entire community. The City Council finds and determines that graffiti is a nuisance and unless it and other inscribed material is removed from public and private properties, it tends to remain.

§8-187. Definitions

Whenever the following terms are used in this division, they shall have the meanings established by this section:

Graffiti means the defacing, damaging or destroying by the spraying of paint or marking of ink, chalk, dye or other similar substances on public and private buildings, structures and places.

Graffiti abatement procedure means an abatement procedure which identifies graffiti, issues notice to the landowner to abate the graffiti, and cures in absence of response.

Private contractor means any person with whom the city shall have duly contracted to remove graffiti.

§8-188. Graffiti - Prohibited

It shall be unlawful for any person to write, paint or draw upon any wall, rock, bridge, building, fence, gate, other structure, tree, or other real or personal property, either publicly or privately owned, any drawing, inscription, figure or mark of the type which is commonly known and referred to as "graffiti" within the city.

§8-189. Same - Violation; penalty

Any person who is convicted of violating §8-188 shall be punished by a fine pursuant to §1-7 of the Grand Island City Code. In addition to such punishment, the court may, in imposing sentence, order the defendant to restore the property so defaced, damaged or destroyed.

§8-190. Same - Notice of removal

Whenever the City Administrator, or his/her designee determines that graffiti exists on any public and private buildings, structures and places which are visible to any person utilizing any public right-of-way in this city, be this road, parkway, alley, or otherwise, and that seasonal temperatures permit the painting of exterior surfaces, the City Administrator, or his/her designee shall cause a notice to be issued to abate such nuisance. The property owner shall have ten (10) days after the date of the notice to remove or paint over the graffiti, or the conditions will be subject to abatement by the city. If the property owner elects to paint over the graffiti, the paint used to obliterate the graffiti shall be as close as practicable to background color(s).

The notice to abate graffiti pursuant to this section shall consist of a written notice to be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last property tax assessment rolls of the county. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this section may be served in any one of the following manners:

- (1) By personal service on the owner, occupant or person in charge or control of the property.
- (2) By registered or certified mail addressed to the owner at the owner's last known address. If this address is unknown, the notice will be sent to the property address.

The notice shall be substantially in the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

Date:

NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti located on the property commonly known as: _____, Grand Island, Nebraska, which is visible to public view, within ten (10) days after the date of this notice; or, if you fail to do so, City employees or private contractors employed by the City will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to, or interest in said matters are hereby notified to submit any objections or comments to the City Administrator of the City of Grand Island, Nebraska, or his/her designee within forty-eight (48) hours from the date of this notice. At the conclusion of this ten (10) day period, the City may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice.

City of Grand Island, Nebraska, Municipal Corporation,

By: _____

Title: _____

§8-191. City's Costs Declared Lien

Any and all costs incurred by the city in the abatement of the graffiti nuisance under the provisions of this division may constitute a lien against the property upon which such nuisance existed.

§8-192. Removal by City

Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the City Administrator, or his/her designee approves, then the City Administrator, or his/her designee, with the consent of the Mayor, is authorized and directed to cause the graffiti to be abated by city forces or private contract, and the city or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate graffiti shall be as close as practicable to background color(s). If the City Administrator provides for the removal of the graffiti or other inscribed material, he shall not authorize nor undertake to provide for the painting or repair of any more extensive area than that where the graffiti or other inscribed material is located.

§8-193. Private Property Consent Forms

Property owners in the city may consent in advance to city entry onto private property for graffiti removal purposes. The city will make forms for such consent available.

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3. Chapter 28 Mechanical

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5. Chapter 30 Elevators and Conveying Systems.

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6. Chapter 32 Encroachments into the Public Right of Way.

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7. Chapter 33 Safeguards During Construction.

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8. Chapter 34 Existing Structures.

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12 Appendix D Firwe Districts
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UBC - Amendment of Table 5-A
Table No. 5-A of the Uniform Building Code is hereby amended to delete Group U therefrom.

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is hereby added to Section 310.4 of the Uniform Building Code:

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. IBC Amend Chapter 13 Energy Efficiency

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IBC Amend Chapter 13 Energy Efficiency

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Energy Conservation Standards.
Minimum requirements are as follows:
Ceiling; R-44 insulation.
Frame walls; R-20 (combined R-value of wall elements).
Slab edge (on-grade); R-10 insulation, 24 inches down from top of slab.
Floors (over unheated spaces); R-30 insulation.
Finished basement walls; R-15 (combined R- value of wall elements).
Crawl spaces; R-10 insulation. Shall be a conditioned space. Floor shall be covered with not less than three inches of concrete.
Windows; Minimum of double-glazed and minimum U-factor of .55.
Doors; (1). Sliding glass; Double-glazed, minimum U-value of .52. (2).Swinging; Maximum U-value of .35 based on testing prior to installation of glazing.
Weatherstripping/caulking; Whatever is necessary to minimize infiltration.
HVAC equipment. (1) Heat pumps- Heating mode: a. COP=2.5/1.5(air source). b. COP=2.5 (water source). (2) Boilers and furnaces: Combustion efficiency equals eighty(80) percent. (3) Air Conditioners/heat pumps- Cooling: SEER minimum rating 10.0. (4) Controls: Each system

controlled by a thermostat; heating system capable of setback to fifty-five (55) Fahrenheit; cooling system capable of setup to eighty-five (85) Fahrenheit. (5). Ductwork: R-6 insulation when outside conditioned space : all transverse joints sealed.

Water heating: (!) Stand-by loss of fifteen(15) BTU per hour, per square foot, maximum; thermostat control and valve or switch to shut off completely. (2) Showerheads: Three (3) gallons per minute, maximum.

Page 4: [25] Inserted

Guest

1/7/2005 10:06 AM

Energy Conservation Standards.

Minimum requirements are as follows:

Ceiling; R-44 insulation.

Frame walls; R-20 (combined R-value of wall elements).

Slab edge (on-grade); R-10 insulation, 24 inches down from top of slab.

Floors (over unheated spaces); R-30 insulation.

Finished basement walls; R-15 (combined R- value of wall elements).

Crawl spaces; R-10 insulation. Shall be a conditioned space. Floor shall be covered with not less than three inches of concrete.

Windows; Minimum of double-glazed and minimum U-factor of .55.

Doors; (1). Sliding glass; Double-glazed, minimum U-value of .52. (2).Swinging; Maximum U-value of .35 based on testing prior to installation of glazing.

Weatherstripping/caulking; Whatever is necessary to minimize infiltration.

HVAC equipment. (1) Heat pumps- Heating mode: a. COP=2.5/1.5(air source). b. COP=2.5 (water source). (2) Boilers and furnaces: Combustion efficiency equals eighty(80) percent. (3) Air Conditioners/heat pumps- Cooling: SEER minimum rating 10.0. (4) Controls: Each system controlled by a thermostat; heating system capable of setback to fifty-five (55) Fahrenheit; cooling system capable of setup to eighty-five (85) Fahrenheit. (5). Ductwork: R-6 insulation when outside conditioned space : all transverse joints sealed.

Water heating: (!) Stand-by loss of fifteen(15) BTU per hour, per square foot, maximum; thermostat control and valve or switch to shut off completely. (2) Showerheads: Three (3) gallons per minute, maximum.

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City Of Grand Island

1/4/2005 3:45 PM

UBC - Amendment of Section 1201

Buildings and portions thereof shall provide occupants with light and ventilation as set forth in this chapter. For ventilation of hazardous vapors or fumes, see Section 306.5 and the Mechanical Code.

Where provisions of this chapter specify ventilation requirements in terms of the number of occupants, the occupant load factors contained in Table A-29-A of Appendix Chapter 29 for the appropriate occupancy shall be used for determining said occupant load.

Page 4: [27] Deleted

City Of Grand Island

1/4/2005 3:45 PM

UBC - Amendment of Section 1203.2

Section 1203.2 of the Uniform Building Code is hereby amended to read as follows:

Sec. 1203.2. Light

Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural light by means of exterior glazed openings with an area not less than one-twentieth (5%) of the floor area of such rooms with a minimum of 5 square feet.

Basements shall be provided with not less than two (2%) of the floor area.

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City Of Grand Island

1/5/2005 3:33 PM

Amendment of Section 1806.3

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City Of Grand Island

1/5/2005 3:46 PM

(3) The support of buildings by posts embedded in earth shall be designed as specified in Section 1806.8. Wood posts or poles embedded in earth shall be pressure treated with an approved preservative. Steel posts or poles shall be protected as specified in Section 1807.9.

Council Agenda Memo

From: Fred Hotz, Fire Prevention Division Chief
Meeting: February 15, 2005
Subject: Adoption of 2003 International Fire Code
Item #'s: 2
Presenter(s): Fred Hotz, Fire Prevention Division Chief

Background

Internationally, code officials recognize the need for a modern, up-to-date fire code addressing conditions hazardous to life and property from fire, explosion, handling or use of hazardous materials and the use and occupancy of buildings and premises. The *International Fire Code*®, in this 2003 edition, is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities, large and small. This comprehensive fire code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs. This 2003 edition is fully compatible with all the *International Codes* (“I-Codes”) published by the International Code Council (ICC), including the *International Building Code* which is also proposed for adoption by the building department.

Discussion

The City currently adopts and enforces the 1991 Uniform Fire Code. This edition is 14 years old and in many respects outdated. After reviewing the model code options and polling other Nebraska communities of comparable size and or larger communities including Omaha, Lincoln, Hastings, Ralston, North Platte, Norfolk and others, the listed communities and most other communities have adopted or plan to adopt the International Fire Code (IFC). There is good reason for this. In communities that adopt and enforce building codes, it is paramount to adopt and enforce compatible codes. This is not only desirable for the enforcers, but is most desirable from the perspective of the architects, designers, engineers and contractors.

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 the February 22, 2005 City Council meeting for approval.

CHAPTER 16 FIRE PROTECTION

Article I. General

§16-1. International Fire Code,(IFC) Adopted

The International Uniform Fire Code, 2003 1994 Edition, published by the International Code Council International Conference of Building Officials, is hereby adopted, except for such portions as heretofore or hereafter have been deleted, modified, or amended by ordinance and set forth in this Code. The following sections of the Appendix shall also be adopted: Appendix B – Fire-Flow Requirements for Buildings, Appendix C – Fire Hydrant Locations and Distribution, Appendix D – Fire Apparatus Access Roads, Appendix E – Hazard Categories, Appendix F – Hazard Ranking. One copy of said Code shall be filed in the office of the City Clerk as provided by law.

§16-2. Bureau of Fire Prevention

The Bureau of Fire Prevention for the City of Grand Island is hereby established and shall consist of the Fire Department of the City of Grand Island and shall be operated under the supervision of the chief of the Bureau of Fire Prevention who shall be the chief of the Fire Department. The provisions of Chapter 16 of the Grand Island City Code shall be enforced by the Bureau of Fire Prevention. All permits required by this chapter, unless otherwise specified, shall be issued only upon application to the Bureau of Fire Prevention in such form and detail as it shall prescribe. All permits issued by the Bureau of Fire Prevention shall be issued with the name of the applicant and the prevention stated thereon.

§16-2.1. Building Plans; Fees

In addition to the building permit fee in Chapter 8, there shall be a fire department plan review fee in accordance with the City of Grand Island Fee Schedule for the review of said plans as required by state statutes. Such fee shall be paid to the Fire Department.

§16-3. International Uniform Fire Code; Sections Not Adopted

It is especially provided that the following chapters, sections, and/or portions of the International Uniform Fire Code adopted pursuant to Section 16-1 above, are not adopted or approved, and the same shall be of no force and effect in accordance with state statutes:

- ~~1. Article 78 entitled "Fireworks"~~
1. Section 105 Permits
2. Section 108 Board of Appeals
3. Chapter 38 Liquefied Petroleum Gases
4. Appendix A Board of Appeals
5. Appendix B Cryogenic Fluids-Weight and Volume Equivalents

&16-3.1 Amendment of Section 102.3 Change of use of occupancy

Change reference to International Existing Building Code to International Building Code

&16-3.2 Amendment of Section 102.4 Application of building code

Change reference to International Existing Building Code to International Building Code

&16-3.3 Amendment of Section 102.5 Historic buildings

Change reference to International Existing Building Code to International Building Code

&16-3.4 Amendment of Section 109.3

Change the wording, "shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment" - to - "shall be subject to penalties as prescribed by law".

&16-3.5 Amendment of Section 111.4

Change the words, "shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars" – to – "shall be subject to penalties as prescribed by law".



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

Approved as to Form	☐ _____
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.~~

Approved as to Form ☐ _____
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 disassembling 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