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CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Inspector

SECTION 9-101: POWERS AND AUTHORITY

The City Council's appointed building inspector shall be the city official having the duty of enforcing all building and housing regulations as herein prescribed. The duties of the building inspector shall be as follows:

A. He or she shall have the authority to carry out the duties as stated in the Dangerous Buildings Regulations in Chapter 3, Article 6 of this code, especially Section 3-602.

B. He or she shall inspect all buildings repaired, altered, built, or moved in the City as often as necessary to ensure compliance with all city ordinances and is authorized, upon properly identifying himself, to enter, inspect, survey, and investigate between the hours of 8:00 a.m. and 5:00 p.m. or at any time if an emergency exists or if requested by the owner or occupant thereof. He or she shall also investigate all complaints, whether verbal, written, or in the form of a petition, alleging and charging that a violation of the municipal ordinances exists and that a building or structure is unfit or unsafe for human habitation.

C. He or she shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He or she shall, at the direction of the City Council, issue permission to continue any construction, alteration, or relocation when the City Council is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one hour. The building inspector or his or her agent shall serve such written order.

D. He or she shall have no financial interest in the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, except where he or she is the owner; and he or she shall not act as an agent for any said dealer or as an agent for the sale, lease, or rental of any real estate.

E. He or she shall keep records of all complaints received, inspection reports, orders, and complaints issued, which shall be available for public inspection.

F. He or she shall report to the City Council as often as may be deemed necessary and shall have such other duties and issue such permits as the City Council may direct.

SECTION 9-102: RIGHT OF ENTRY

It shall be unlawful for any person to refuse to allow the building inspector entry into

any building or structure where the work of construction, alteration, repair, or relocation is taking place, for the purpose of making official inspections, at any reasonable time.

SECTION 9-103: TIME OF INSPECTION

A. The building inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the work fails to comply with the requirements of the municipal code:

1. Foundation inspection shall be made after trenches or basement areas are excavated and the necessary forms and reinforcing steel are in place, prior to the placement of concrete.
2. Frame inspection shall be made after the roof, masonry, all framing, firestopping, draftstopping, and bracing are in place and after the plumbing, mechanical, and electrical rough inspections are approved.
3. Insulation inspection shall be made after all insulation materials are installed, including wall, ceiling and floor insulation, and after installation of vapor barriers where required and prior to concealment by drywall or other finish materials.
4. Final inspection shall be made after the permitted work is completed, prior to occupancy.

B. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

SECTION 9-104: APPEAL FROM DECISION

In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the building inspector, that the time allowed for compliance with any order of the building inspector is too short, or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and by the building inspector, the owner, his or her agent, or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The City Council shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation are assured and may include conditions not generally specified by this code to achieve that end. A copy

of any variance so granted shall be sent to both the building inspector and the applicant.

SECTION 9-105: BARRICADES AND LIGHTS

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the City to have all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day and by warning lights at night during the time that such work is in progress. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this section and the building inspector shall stop all work until guards are erected and maintained as required.

Article 2 – Building Permits

SECTION 9-201: PERMIT; APPLICATION

A. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building, structure, swimming pool, or parking lot in the City or within one mile of the corporate limits or cause the same to be done without first obtaining a building permit from the City Clerk. A separate building permit is required for each building or structure. A building permit for a building or structure may also permit work on a swimming pool, fence, and parking lot if the plans for the swimming pool, fence, or parking lot are approved by the City in conjunction with issuance of the building permit.

B. The application for such building permit shall be in writing on a form furnished by the City Clerk and shall set forth: the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor, and such other information as may be required thereon. The application, plans, and specifications so filed with the City Clerk shall be checked and examined by a designee of the City Council, and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, said designee shall authorize the City Clerk to issue the said applicant a permit upon the payment of the permit fee and inspection fees as provided in Section 9-202.

C. Building permits will not be required for the following: (1) cases, counters, or partitions not over 5 feet 9 inches high; (2) retaining walls which are not over 4 feet in height, unless supporting a surcharge or impounding flammable liquids; (3) painting, papering, and similar finish work; (4) window awnings supported by an exterior wall; (5) shingling and residing.

D. Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

E. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.

SECTION 9-202: BUILDING PERMIT FEE; INSPECTION FEES

For purposes of determining the building permit fee, new building valuation will be based on valuation per square foot or total valuation. For existing structures, the fee will be based on costs of remodeling or renovation. In addition to such permit fees, fees will also be charged for each inspection. All such fees shall be set by ordinance

of the City Council, on file at the office of the City Clerk and available for public inspection during office hours.

SECTION 9-203: INFRASTRUCTURE FEES

In addition to the building permit fee set forth herein, there shall be an infrastructure development fee imposed on each lot on which a building permit for a structure utilizing sewer, water or electricity is being obtained for the first time. Such fee shall be set by ordinance of the City Council, on file at the office of the City Clerk and available for public inspection during office hours. (Ord. No. 04-6, 7/27/04)

SECTION 9-204: DUPLICATE TO COUNTY ASSESSOR

Whenever a building permit is issued for the erection, alteration or repair of any building within the City's jurisdiction and the improvement is \$2,500.00 or more, a duplicate of such permit shall be issued to the county assessor. (Neb. Rev. Stat. §18-1743) (Am. Ord. No. 04-15, 11/9/04)

SECTION 9-205: VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit has been issued to construct or repair a building within the corporate limits, to vary in any manner from the plans and specifications submitted to the City in the construction or repair authorized so that such construction or repair does not conform to city ordinances.

SECTION 9-206: LIMITATION

If the work for which a permit has been issued shall not have begun within six months of the date thereof, or if the construction shall be discontinued for a period of six months, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

SECTION 9-207: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within said city without a permit therefor, as herein required, or which is not constructed, remodeled or located in accordance with the permit granted and issued therefor, shall be deemed and considered to be a public nuisance and may be abated or removed by the City at the expense of the owner.

SECTION 9-208: BUILDING DESTRUCTION; NUISANCE; DEPOSIT

It shall be the duty of the owner, lessee or tenant intending the destruction of any building within the City to post a deposit with the City Clerk prior to such destruction. Such deposit will be refunded upon payment of all damages to city property occasioned by such destruction and any cleanup work resulting from such destruction. In the event that debris remains on the building permit site for more than six months after the

issuance of the permit, which shall constitute a nuisance as determined by the building inspector, then the deposit shall be forfeited and shall be applied to offset the cleanup by the City. Such deposit shall be set by resolution of the City Council, included in the City's master fee schedule, on file at the office of the City Clerk and available for public inspection during office hours.

Article 3 – Building Moving

SECTION 9-301: REGULATIONS

A. It shall be unlawful for any person, firm, or corporation to move any building or structure within the City without a written permit to do so. Application may be made to the City Clerk and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the City Council may require. The application shall be accompanied by a certificate to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The City Clerk shall refer the said application to the person designated by the City Council for approval of the proposed route over which the said building is to be moved. Upon approval of the designee of the City Council, the City Clerk shall then issue the said permit; provided that:

1. The permit is issued to a registered building mover as provided in Section 9-303 below; or
2. Prior to the granting of any permit, a good and sufficient corporate surety bond, check, or cash in an amount set by motion of the City Council and conditioned upon moving said building without doing damage to any private or city property is filed with the City Clerk.

B. No moving permit shall be required to move a building that is ten feet wide or less, and 20 feet long or less, and when in a position to move, 15 feet high or less.

C. In the event it will be necessary for any licensed building mover to interfere with the telephone or electric system poles and wires, or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall upon proper notice of at least 24 hours, be present and assist by disconnecting the said poles, wires, or line relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the City, notice in writing of the time and route of the said building moving operation shall be given to the various city officials in charge of the city utility departments who shall proceed on behalf of the City and at the expense of the mover to make such disconnections and do such work as is necessary. Unless a new building is to be moved onto or constructed upon the old foundation, all foundations of buildings moved from real estate shall be removed and the ground filled in level with the surrounding ground.

(Neb. Rev. Stat. §19-1404, 39-6,177 to 39-6,180, 39-6,184, 77-1725) (Am. Ord. No. 01-01, 3/27/01)

SECTION 9-302: COMPLETION OF MOVE

Unless a new building is to be moved onto or constructed upon the old foundation, all foundations of buildings moved from real estate shall be removed and the ground filled in level with the surrounding ground. At such time as the building moving has been completed, the person designated by the City Council shall inspect the premises and report to the City Clerk as to the extent of damages, if any, resulting from the said relocation and whether any city laws have been violated during the said operation. Upon a satisfactory report from the person designated by the Council, the City Clerk shall return the corporate surety bond, cash, or check deposited by the applicant who is not a registered building mover. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the Council may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by resolution of the City Council, or additional expense was incurred in removing and replacing any wires or apparatus of the electrical system, the Council may recover such excess expense by civil suit or otherwise as prescribed by law. (Am. Ord. No. 01-01, 3/27/01)

SECTION 9-303: BUILDING MOVING DEFINED; REGISTRATION AND BOND

A. The business of building moving as used in this article is hereby defined to mean and include the moving of any house, building or structure. It shall be unlawful for any person to carry on or engage in the occupation of house moving in the City without first being registered therefor, having complied with all the provisions of this article, or meeting the cash or bond requirements set forth in this article.

B. Any person desiring to engage in the business of building moving in the City, or within one mile thereof, shall file with the City an application for a registration in writing on a form furnished for that purpose. Said application shall be accompanied by a bond duly executed by both said applicant and a corporate surety company authorized by the state to do business in Nebraska, which bond shall be subject to the approval of the City Clerk. Such bond amount shall be set by resolution of the City Council, on file at the office of the City Clerk and available for public inspection during office hours.

C. The bond will be conditioned, among other things, that the applicant:

1. Will in all things strictly comply with all the provisions of the ordinances of the City relating to building moving and any and all conditions of the permit;
2. Will save, indemnify, and keep harmless the City from all liabilities, judgments, costs and expenses which may in anywise accrue against the City in consequence of the granting of such registration, or in consequence of any injury to persons or property resulting directly or

indirectly from the exercise of the privileges in such registration granted;

3. Will pay to the City any and all damages which may be sustained to any pavement, road surface, curb, gutter, sidewalk, street crosswalk, traffic signal installation, traffic signals, power poles, power or utility lines, bridges, culverts, sewers, or other city property through the conduct of said applicant's house moving activities; and
4. Will also pay to the owner any and all damages caused in a like manner to any private property.
5. Will pay a fee to the building official for registration; such fee shall be set by ordinance of the City Council, on file at the office of the City Clerk and available for public inspection during office hours.

D. In addition to the bond, the applicant for registration shall also be required:

1. At all times to maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form, as permitted by the city attorney, with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence. The coverages required herein shall be subject to review and approval by the city attorney for conformance with the provisions of this section.
2. At all times to keep on file with the building official a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State and approved by the city attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required in subsection (D)(1) above, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring 30 days' notice by mail to the building official before the insurer may cancel the policy for any reason, and upon request of the building official or the City Clerk, a copy of any endorsements placed on such policies. Any termination or lapse of such insurance shall automatically revoke any permit issued pursuant to this chapter.

(Ord. No. 01-01, 3/27/01)

Article 4 – Codes Adopted

SECTION 9-401: CODES; PURPOSE

The purpose of these codes is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the City and within one mile of the corporate limits and outside of any other organized city or village, and regulating certain equipment specified herein. The purpose of these codes is not to create or otherwise establish or designate any particular case or group of persons who will or should be especially protected or benefited by its terms.

SECTION 9-402: BUILDING CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the 2012 International Building Code, tenth printing, including Appendix “C,” as published by the International Code Council, Inc., hereinafter referred to as the International Building Code, printed in book or pamphlet form, is hereby incorporated by reference, and all other amendments thereto, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the International Building Code and all amendments thereto shall be kept on file at the office of the City Clerk and available for public inspection during office hours. The provisions of the International Building Code shall be controlling throughout the municipality and its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. Ord. Nos. 03-03, 5/27/03; 2009-6, 3/24/09; 2016-16, 7/26/16)

SECTION 9-403: RESIDENTIAL CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the 2012 International Residential Code for One- and Two-Family Dwellings, ninth printing, as published by the International Code Council, Inc., hereinafter referred to as the International Residential Code, printed in book or pamphlet form, is hereby incorporated by reference, and all other amendments thereto, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the International Residential Code and all amendments thereto shall be kept on file at the office of the City Clerk and available for public inspection during office hours. The provisions of the International Residential Code shall be controlling throughout the municipality and its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. Ord. Nos. 03-04, 5/27/03; 2009-7, 3/24/09; 2016-17, 7/26/16)

SECTION 9-404: PLUMBING CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and heating, the Lincoln Plumbing Code, most recent edition, published by the Mayor and City Council of the City of Lincoln, Nebraska, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with state statutes. One copy of the Plumbing Code shall be on file at the office of the City Clerk and available for public inspection during office hours. The provisions of the Plumbing Code shall be controlling throughout the City and its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922)

SECTION 9-405: ELECTRICAL CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and fireproof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances, the 2023 National Electrical Code as recommended and published by the National Fire Protection Association 70, as amended by the Nebraska State Electrical Act, printed in book or pamphlet form, is hereby incorporated by reference and all other amendments thereto as though printing in full herein insofar as said code does not conflict with state statutes. One copy of the 2023 National Electrical Code and all amendments thereto shall be on file at the office of the City Clerk and available for public inspection during office hours. The provisions of the Electrical Code shall be implemented throughout the municipality and its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. Ord. Nos. 2016-14, 7/12/16; 2024-19, 11/26/24)

SECTION 9-406: FLOODPROOFING CODES; ADOPTED BY REFERENCE

The following publications are hereby adopted and incorporated into this code for reference to design standards and techniques only as they relate to floodproofing of approved buildings located in the flood hazard areas of the City:

A. Elevated Residential Structures, HUD-FLA-184, most recent edition, published by the U.S. Government Printing Office, 1976 0-222-193; and

B. Floodproofing Nonresidential Structures, F.E.M.A. Publication No. 102, most recent edition.

SECTION 9-407: PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements to safeguard life, limb, health, property, and public welfare, and to protect neighborhoods from hazardous, blighting, and deteriorating influences or conditions that have a negative impact on area property values and discourage property owners to improve their properties

by regulating and controlling the use and occupancy, location, and maintenance of all residential buildings and structures and premises, the 2012 International Property Maintenance Code, fifth printing, hereinafter referred to as the Property Maintenance Code, printed in book or pamphlet form, is hereby incorporated by reference, and all other amendments thereto, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the Property Maintenance Code and all amendments thereto shall be kept on file at the office of the City Clerk and available for public inspection during office hours. The provisions of the Property Maintenance Code shall be controlling throughout the municipality and its zoning jurisdiction. (Neb. Rev. Stat. §18-132) (Am. Ord. Nos. 99-13, 12/14/99; 2016-18, 7/26/16)

SECTION 9-408: INTERNATIONAL MECHANICAL CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, in the installation and maintenance of mechanical devices in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the 2009 Edition of the International Mechanical code, as amended, hereinafter referred to as the International Mechanical Code, printed in book or pamphlet form, is hereby incorporated by reference and all other amendments thereto, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the International Mechanical Code and all amendments thereto shall be kept on file at the office of the City Clerk available for public inspection during office hours. The provisions of the International Mechanical Code shall be controlling throughout the City and its zoning jurisdiction with the exception that Section 9-409.380, Section 507.1 Amended; Commercial Kitchen Hoods; General, shall read as follows:

A. Factory-built commercial cooking recirculating systems that are listed and labeled in accordance with UL 710B and installed in accordance with Section 304.1 shall not be required to comply with Sections 507.4, 507.5, 507.7, 507.11, 507.12, 507.13, 507.14, and 507.15. Spaces in which such systems are located shall be considered to be kitchens and shall be ventilated in accordance with Table 4.0.3. For the purpose of determining the floor area required to be ventilated, each individual appliance shall be considered as occupying not less than 100 square feet (9.3 m²).

B. Additional restrictions:

1. The use of commercial cooking recirculating systems shall NOT be allowed in any location with total gross floor area of more than 1,500 sq./ft.;
2. Appliance shall be inspected according to the maintenance schedule;
3. Signed and dated maintenance log shall be maintained on premises and completed according to the manufacturers recommendations; .
4. Use and maintenance shall be in accordance with the standard for

ventilation control and fire protection of commercial cooking operations, NFPA 17A & NFPA 96 (current editions);

5. The state fire marshal shall provide an inspection at least every 12 months or as specified by him or her;
6. Minimum clearance standards as specified by the manufacturer shall be followed; and
7. Any odor complaints from neighboring tenants due to the operation of the appliance shall be remediated; and if remediation fails, the equipment shall be removed.

(Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922) (Am. Ord. No. 2017-03, 1/10/2017)

SECTION 9-409: GAS PIPING SYSTEMS CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of gas piping systems, the Hickman Gas Piping Systems Code with the incorporation of Standards 54 and 58 of the National Fire Protection Association (NFPA), hereinafter referred to as the "Gas Piping Systems Code" printed in book or pamphlet form, is hereby incorporated by reference and all other amendments thereto, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the Gas Piping Code, NFPA 54 and NFPA 58 and all amendments thereto, shall be on file at the office of the City Clerk and available for public inspection during office hours. The provisions of the Gas Piping Code shall be controlling throughout the municipality and its zoning jurisdiction. (Neb. Rev. Stat. 18-132) (Ord. No. 2013-15, 5/38/2013)

SECTION 9-410: FUEL GAS CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of fuel gas systems and gas-fired appliances, the 2009 International Fuel Gas Code, fifth printing, as published by the International Code Council, Inc., hereinafter referred to as the "Fuel Gas Code," printed in book or pamphlet form is hereby incorporated by reference and all other amendments thereto, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the 2009 International Fuel Gas Code and all amendments thereto shall be on file at the office of the City Clerk and available for public inspection during office hours. The provision of the International Fuel Gas Code shall be controlling throughout the City and its zoning jurisdiction. (Neb. Rev. Stat. 18-132) (Ord. No. 2013-17, 5/28/13)

Article 5 – Penal Provision

SECTION 9-501: VIOLATION: PENALTY

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