

Chapter 9

BUILDING REGULATIONS

Article 1. Building Inspector

§9-101 BUILDING INSPECTOR; POWER AND AUTHORITY. The Building Inspector shall be the Municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall inspect all buildings repaired, altered, built, or moved in the Municipality as often as necessary to insure compliance with all Municipal ordinances. He shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He shall issue permission to continue any construction, alteration, or relocation when he 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 (1) hour. Such written order may be served by any Municipal Policeman.

§9-102 BUILDING INSPECTOR; 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 hour.

§9-103 BUILDING INSPECTOR; PERMIT LIMITATION. If the work for which a permit has been issued shall not have begun within six (6) months of the date thereof, or if the construction shall be discontinued for a period of six (6) 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.

§9-104 BUILDING INSPECTOR; TIME OF INSPECTION. The Building Inspector, upon notification from the permit holder or his 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 agent that the work fails to comply with the requirements of the Municipal Code: Foundation inspection shall be made after trenches are excavated and the necessary forms erected; frame inspection shall be made after the roof, framing, fire-blocking, and backing is in place and all pipes, chimneys, and vents are complete; and final inspection shall be made after the building is completed and ready for occupancy. 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.

§9-105 BUILDING INSPECTOR; 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 the Building Inspector, the owner, his agent, or the occupant may file a notice of appeal within thirty (30) days after the decision or

order of the Building Inspector has been made. The Governing Body shall sit and act as the Municipal Board of 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 is 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.

§9-106 BUILDING INSPECTOR; BUILDING PERMITS. Any person desiring to commence or proceed to erect, construct, repair, relocate, enlarge, or make an addition to any building or dwelling, or cause the same to be done, shall file with the Municipal Clerk an application for a building permit. The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such application 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 requested thereon. The permit fee, as set by resolution of the Governing Body, shall accompany the application. The application, plans, and specifications so filed with the Municipal Clerk shall be checked and examined by the Building Inspector and if they are found to be in conformity with the requirements of this Chapter and all other ordinances applicable thereto, he shall authorize the Municipal Clerk to issue the said applicant a permit. 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. *(Ref. 17-130 through 17-132, 17-550, 17-1001 RS Neb.)*

§9-106.01 BUILDING PERMITS; 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 two thousand five hundred dollars (\$2,500.00) or more, a duplicate of such permit shall be issued to the County Assessor. *(Ref. 18-1743 RS Neb.) (Ord. No. 218, 4/1/80) (Amended by Ord. No. 638, 1/6/04)*

§9-107 BUILDING INSPECTOR; UNFINISHED BUILDINGS. No buildings or structures shall be allowed to remain in an unfinished condition in the Municipality for a period of more than nine (9) months. A basement structure without living accommodations above it shall be considered to be in an unfinished condition.

§9-108 BUILDING INSPECTOR; NOXIOUS USES. No buildings or structures or premises, or part thereof, in any part of the Municipality shall be used for any trade, industry, or other purpose that is detrimental to the public health, safety, or welfare. Such a noxious or offensive use is hereby declared to constitute a public nuisance. *(Ref. 28-1016 RS Neb.)*

§9-109 PLANS, PLATS AND THE LIKE; MUNICIPAL OFFICIALS; DUTY. *(Repealed 2006)*

Article 2. Building Code

§9-201 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, as issued by the International Code Council, the 2012 International Residential Code, as issued by the International Code Council, the 2012 International Mechanical Code, as issued by the International Code Council, the 2012 International Fuel Gas Code, as issued by the International Code Council, the 2012 International Plumbing Code, as issued by the International Code Council, the 2009 International Energy Conservation Code, as issued by the International Code Council, the 2017 National Electric Code, as issued by the National Fire Protection Association, Inc., and the Building Code Amendments, Deletions and Changes as shown in Exhibits A and B to Ordinance 942, passed 2/7/17, and 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 Codes do not conflict with the Statutes of the State of Nebraska. Three (3) copies of said Codes are on file at the office of the Municipal Clerk and are available for public inspection at any reasonable time. The provisions of said Codes shall be controlling throughout the Municipality and throughout its zoning jurisdiction. *(Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.) (Amended by Ord. Nos. 298, 3/1/88; 374, 3/21/95; 594, 1/21/03; 674, 6/21/06; 709, 3/7/06; 796, 10/4/11; 861, 8/5/14; 942, 2/7/17; 974, 4/17/18)*

Article 3. Plumbing Code

§9-301 PLUMBING CODE; ADOPTED BY REFERENCE. The minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and heating shall be as found in 2012 International Plumbing Code, as issued by the International Code Council, and all amended editions as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska. All prior ordinances in conflict herewith shall be and are hereby repealed. Three (3) copies of the Plumbing Code are on file at the office of the Municipal Clerk and are available for public inspection at any reasonable time. The provisions of the 2012 International Plumbing Code, as issued by the International Code Council, shall be controlling throughout the Municipality and throughout its zoning jurisdiction. *(Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.) (Amended by Ord. Nos. 299, 3/1/88; 376, 3/21/95; 797, 10/4/11; 943, 2/7/17)*

§9-302 BUILDING REGULATIONS; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX. Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free.

For purposes of this section, lead free shall mean:

- A. Solders and flux - not more than two-tenths percent (.2%) lead, and
- B. Pipe and pipe fittings - not more than eight percent (8%) lead. *(Ref. 71-5301 RS Neb.) (Ord. No. 300, 5/3/88)*

[*Editor's Note: Sections 9-303 through 9-313 were adopted in their entirety by Ordinance No. 352, passed 4/20/93*]

§9-303 BACKFLOW/BACKSIPHONAGE PREVENTION; DEFINITIONS.

1. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Article.
 - a. Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening of any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the said receptacle. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the receptacle and, in no case less than one inch.
 - b. Antisiphon vacuum breaker is a device which restricts the backflow of water into a potable water system by a simple check valve. The vacuum is broken by allowing air to enter upstream of the check valve.
 - c. Approved means that a backflow prevention device or method has been accepted by the Manager as being suitable for the intended use.
 - d. Auxiliary water system means any water supply system available to the premises other than the public water supply system and includes the water supplied by such system. These auxiliary water systems may include water from another owner's public water supply system; polluted or contaminated water, process fluids; used water; or other sources of water which the owner of the public water supply system does not have sanitary control.

- e. Backflow or backsiphonage means the flow of water or other liquids, mixtures, or substances into the water distribution system from any other source than the intended source of the potable water supply.
- f. Backflow prevention device means any device, method, or type of construction intended to prevent backflow into a potable water system. Devices such as an “Approved Air-gap”, “Double Check Valve Assembly”, “Antisiphon Vacuum Breaker” or a “Reduced Pressure Principle Devices” can be used which have been approved by the Manager.
- g. Consumer means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
- h. Consumer’s water supply system means any water supply system, located on the consumer’s premises, supplied by or in any manner connected to a public water supply system. A household plumbing system is considered to be a consumer’s water supply system. A fire suppression system is also considered a consumer’s water supply system.
- i. Contamination means an impairment of the quality of the water by sewage, or waste to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.
- j. Cross connection means any arrangement whereby contamination due to backflow or backsiphonage can occur.
- k. Degree of hazard is a term derived from an evaluation of the potential risk to health and the adverse effects upon the potable water system.
- l. Double check valve assembly means an assembly composed of two single, independently acting, check valves including one hundred percent closing shutoff ball valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
- m. Health hazard means any condition, device, or practice in a water system or its operation that creates, a real or potential danger to the health and well-being of the consumer.
- n. Interchangeable connection means an arrangement or device that will allow alternate but not simultaneous uses of two sources of water.
- o. Manager means the Manager of the Springfield Municipal Water System or his or her authorized representative.
- p. Non-potable water means water not safe for drinking, personal, or culinary use, or which does not meet the requirements of the Nebraska Department of Health.
- q. Owner means the person delivering water through a public water supply system. The owner is City of Springfield.
- r. Person means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity. When the term he, or his is used, it shall mean any male or female person.
- s. Plumbing hazard means a plumbing type cross connection in a consumer’s potable water system that has not been properly protected by air-gap separation or backflow prevention devices.
- t. Pollution means the presence in water of any foreign substance (organic, inorganic, or biological) that degrades the quality of water to a degree which does not necessarily cause

an actual hazard to the public health but which does adversely and unreasonably affect such waters for any desired use.

u. Pollution hazard means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or the consumer's water supply system.

v. Potable water means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Nebraska Department of Health.

w. Public water supply system means a water supply system designed and intended to provide potable water to a designated consumer. The water supply shall include the water supply source and distribution piping network. The water supply source is defined as any artificial or natural accumulation of water used to supply the potable water system. The distribution piping network includes all piping, pumping and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.

x. Reduced pressure zone backflow prevention device means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include one hundred percent closing shutoff ball valves located at each end of the device, and each device shall be fitted with properly located test cocks.

y. Service connection means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

z. System hazard means any water supplied by the public water supply system to a consumer's water supply system after it has passed through the service connection and is no longer under the sanitary control of the water supplier.

2. RESPONSIBILITY. The consumer as defined in this Article, if requested by the Manager, shall designate an individual or individuals, who shall be responsible for contact and communications with the Manager in matters relating to system alteration and construction, monitoring and sampling, maintenance, operation, record keeping, and reporting, as required by law and these regulations. Any change in assigned responsibilities or designated individuals shall be promptly reported to the Manager.

3. TITLE. Springfield City Code sections 9-303 through 9-313 and any amendments pertaining thereto, shall be known as the backflow prevention ordinance.

§9-304 BACKFLOW/BACKSIPHONAGE PREVENTION; POLICY AND PURPOSE.

1. The purpose of sections 9-303 through 9-313 is to protect the public water supply system of the City of Springfield from the possibility of contamination by isolating real or potential sources of contamination or pollution which may backflow into the public water supply system.

Sections 9-305 through 9-313 provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of the potable water supply systems.

2. The Manager shall be responsible for the implementation of the backflow prevention program as outlined within this Article. If in the judgment of the Manager an approved backflow prevention device is required for the safety of the public water supply system then the Manager shall give notice in writing to the consumer to install said device at each recommended location. The Manager shall inspect and approve all installations of the required backflow prevention devices. The costs for purchasing, installing, and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. The consumer shall install the backflow prevention device. Immediately after installation, the backflow prevention device shall be inspected by the Manager. Annual testing of all double check valves and reduced pressure zone devices shall be inspected by the Manager. If deemed necessary by the Manager that maintenance or repairs are necessary, the owner shall be contacted and issued an order to make all necessary repairs or maintenance. The owner shall complete all maintenance or repairs within thirty (30) days; if not, the owner shall be considered in violation of the backflow ordinance and will be subject to disconnection of the service as provided in section 9-312.

3. No person shall install or maintain a water service connection, containing cross connections to a public water supply system or a consumer's potable water supply system unless such cross connections are abated or controlled in accordance with this Article, and as required by the laws and regulations of the Nebraska Department of Health.

4. For the purposes of this backflow prevention ordinance, whenever the Manager is to make any decision or interpretation, or whenever reference is made to the fact that the Manager is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of this backflow prevention ordinance, and any other applicable provisions of the Springfield City Code, and state and federal law or regulation.

§9-305 BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEYS AND INVESTIGATIONS.

1. It shall be the responsibility of the water consumer to conduct or cause to be conducted, periodic surveys of water use practices on his premises as necessary to determine whether there are actual or potential cross connections in the consumer's water supply system. The Manager shall have the authority to conduct or cause to be conducted periodic surveys and investigations, of a frequency as determined by the Manager, of water use practices within a consumer's premises to determine whether there are actual or potential cross connections to the consumer's water supply system through which contaminants or pollutants could backflow into the public water supply system. The Manager may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.

2. On request by the Manager the consumer shall furnish the Manager information on water use practices within the consumer's premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the Manager shall treat the premises as if no appropriate cross connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required to section 9-306.

3. The Manager shall have the right to enter a premises served by the public water supply system at all reasonable times for the purpose of making surveys and investigations of water use practices within the premises. In order to inspect a premise, the Manager shall give notice setting forth a proposed date and time to the consumer at least ten (10) days in advance. If the consumer cannot make the premises available for inspection at the proposed date and time, the consumer shall contact the Manager and arrange for another date and time for the inspection. If the Manager and the consumer cannot agree on a date and time, then the Manager shall treat the premises as if no appropriate cross connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required to section 9-306.

4. The City Council is hereby appointed as a Hearing Board to hear differences between the Manager and the consumer on matters concerning interpretation and execution of the provisions of this Article by the Manager. Any consumer aggrieved by being required to pay the expense of installing, furnishing, and or maintaining a backflow prevention device may, within fourteen (14) days of the act or event causing the grievance, request a hearing in writing. City Council shall schedule the matter for hearing within thirty (30) days, and provide written notice of the meeting by first class mail to the consumer. The notice shall be mailed to the consumer at least seven (7) and not more than twenty-one (21) days before the hearing. At the hearing the consumer shall first state the nature of the grievance, and the Manager shall be entitled to respond thereto, whereupon the City Council shall render its decision which will be binding upon the consumer and the Manager.

§9-306 BACKFLOW/BACKSIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED.

1. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the Manager a health, plumbing, pollution or system hazard exists.

2. An approved backflow prevention device shall be installed when the following conditions are found by the Manager to exist:

- a. Premises on which any substance is handled in such a fashion as to create an actual or systems containing process fluids or waters originating from a public water supply system which are no longer under the sanitary control of the owner;
- b. Premises having internal cross connections that, in the judgment of the Manager, are not correctable, or there exist intricate plumbing arrangements which made it impracticable to determine whether or not cross connections exist.

- c. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross connection survey;
 - d. Premises having a repeated history of cross connections being established or re-established;
 - e. Premises having more than one customer service connection which could constitute a potential cross connection.
3. An approved backflow prevention device shall be installed on each service line to a customer's water supply system serving the following types of facilities unless the Manager determines that no health, pollution, or system hazard to the public water supply system exists:
- a. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings;
 - b. Testing laboratories, film laboratories, film development facilities;
 - c. Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
 - d. Food or beverage processing plants;
 - e. Chemical plants;
 - f. Metal de-greasing, plating industries, machine tool plants, dye and metal processing or productions;
 - g. Chemical and petroleum processing or storage plants;
 - h. Car washes, automobile servicing facilities;
 - i. Lawn irrigation systems and swimming pools;
 - j. Laundries and dry cleaners;
 - k. Packing houses;
 - l. Power plants;
 - m. Premises having radioactive materials such as laboratories, industries, hospitals;
 - n. Rendering plants;
 - o. Premises having water recirculating system as used for boilers or cooling systems;
 - p. Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming, salons;
 - q. Beauty salons, barbershops, massage parlors, health clubs;
 - r. Fire suppressions systems;
 - s. Multi-storied buildings greater than three (3) stories in height;
 - t. Schools, universities, colleges;
 - u. Other commercial or industrial facilities which may constitute potential cross connection.

§9-307 BACKFLOW/BACKSIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED.

1. The type of protection required under section 9-306 (1) and 9-306 (2) of this Article shall depend on the degree of hazard that exists as follows:
- a. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where a public water supply system may be contaminated with any substance that could cause a system hazard or health hazard;

- b. An approved double check valve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard;
- c. An approved reduced pressure principle backflow prevention device shall be installed at the service connection where there exists a plumbing hazard;
- d. In the case of any premises where, because of security requirements or other prohibitions it is impossible or impractical to make a complete cross connection survey of the consumer's potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.

2. An approved antisiphon vacuum breaker may be used as a backflow prevention device where it is not subjected to back pressures. This device shall not be used for applications where water flow is expected to be continuous for twelve (12) or more hours. The device shall be installed ahead of the potential source of contamination on the discharge side of the last control valve. It shall be placed at least twelve inches (12") above the highest point reached by any water passing through the potential source of contamination. Typically this type of device is used for such equipment as lawn sprinklers, water cooled compressors, or other water cooled equipment.

§9-308 BACKFLOW/BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES.

1. Any approved backflow prevention device required by section 9-306 shall be installed at a location and in a manner approved by the Manager. The consumer, at his sole expense, shall obtain and install said approved backflow prevention device(s) within ninety (90) days of notice and as directed by the Manager.

2. Existing backflow prevention devices approved by the Manager prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements of section 9-306 (1) but only if the Manager determines that the devices will satisfactorily protect the public water supply system. One hundred percent closing shut off ball valves for testing shall be provided on existing backflow prevention devices, if deemed necessary for proper testing by the Manager. If deemed necessary by the Manager that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device.

§9-309 BACKFLOW/BACKSIPHONAGE PREVENTION; BOOSTER PUMPS.

1. No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service line to or within such premises, unless such booster pump is equipped with a low pressure cut-off designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) pounds per square inch gauge or less.

2. It shall be the duty of the water customer to maintain the low pressure cut-off device in proper working order.

§9-310 BACKFLOW/BACKSIPHONAGE PREVENTION; YARD HYDRANTS.

1. The installation of yard hydrants where water is available or accessible for drinking or culinary purposes and which have drip openings below ground surface, is prohibited unless such hydrants are equipped with an approved device to prevent entrance of ground water into chambers connected with the water supply.
2. Yard hydrants or hose bibs which would be used by the consumer to provide water to mix pesticides, fertilizer, or other chemicals, for direct use or aerial application to surface areas shall be equipped with an antisiphon vacuum breaker.
3. All underground lawn and garden sprinkler systems shall be equipped with an approved backflow prevention device.

§9-311 BACKFLOW/BACKSIPHONAGE PREVENTION; FIRE SUPPRESSION SYSTEM.

1. All proposed installations of fire suppressions systems shall be reviewed by the Manager to determine the appropriate type of backflow prevention device(s) required.
2. All proposed fire suppression systems requiring an antifreeze solution shall use a pharmaceutical grade antifreeze. The consumer shall provide to the Manager a certification identifying the type of pharmaceutical grade antifreeze which shall be used. A double check valve backflow prevention device shall be installed in an approved manner.
3. A double check valve of an approved type shall be installed on all proposed fire suppressions systems not utilizing antifreeze, but this may be done only when there are no other cross connections.
4. All existing fire suppressions systems shall meet the requirements of subsections (2) or (3) above, whichever applies. An inspection by a certified fire suppression specialist shall be done to determine whether pharmaceutical grade antifreeze(s) have been utilized. This shall be done at the expense of the consumer. If it cannot be certified that only pharmaceutical grade antifreezes have been used, then a reduced pressure principle backflow prevention device shall be installed as approved by the Manager. This also shall be done at the expense of the consumer.
5. In the event cross connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents are necessary for the proper operation of the fire suppression system, then a reduced pressure zone backflow prevention device shall be installed in an approved manner.

§9-312 BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATIONS,

1. The Manager shall deny or discontinue, after notice to the consumer thereof, the water service to any premises wherein:
 - a. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the Manager;

- b. It is found that the backflow prevention device has been removed or by-passed;
- c. An unprotected cross connection exists on the premises;
- d. A low pressure cut-off required by section 9-309 is not installed and maintained in working order; or
- e. The Manager is denied entry to determine compliance with this Article.

2. The Manager shall immediately deny or discontinue, without notice to the consumer thereof, the water service to any premises wherein a severe cross connection exists which constitutes an immediate threat to the safety of the public water system. The Manager shall notify the consumer within twenty-four (24) hours of said denial or discontinuation of service.

3. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations, and to the satisfaction of the Manager.

§9-313 BACKFLOW/BACKSIPHONAGE PREVENTION; APPROVAL STANDARDS.

1. Any backflow prevention device required herein shall be of a model and size approved by the Manager. The term "Approved Backflow Prevention Device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Associations (AWWA) entitled: AWWA C506-69 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices and by the American Society of Sanitary Engineers (ASSE) entitled:

- No. 1001 Pipe Applied Atmospheric Type Vacuum Breakers - ANSI Approved - 1982 - Revised, 1988
- No. 1011 Hose Connection Vacuum Breakers - ANSI Approved 1982
- No. 1012 Backflow Preventer/Intermediate Atmospheric Vent - 1978
- No. 1013 Reduced Pressure Principle Backflow Preventer - Revised 1988
- No. 1015 Double Check Backflow Prevention Assembly - Revised 1988
- No. 1019 Wall Hydrants, Freezeless, Automatic Draining, Anti-Backflow Types - ANSI Approved 1978
- No. 1020 Vacuum Breakers, Anti-siphon, Pressure Type - ANSI Approved 1982

Article 4. Electrical Code

§9-401 ELECTRICAL CODE; ADOPTED BY REFERENCE. The minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of electrical transmission materials shall be as found in the National Electrical Code, 2017 Edition, and all amended editions as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. All prior ordinances in conflict herewith shall be and are hereby repealed. Three (3) copies of the National Electrical Code are on file at the office of the Municipal Clerk and are available for public inspection at any reasonable time. The provisions of the National Electrical Code 2017 Edition shall be controlling throughout the Municipality and throughout its zoning jurisdiction. *(Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.) (Amended by Ord. No. 375, 3/21/95; 862, 8/5/14; 973, 4/17/18)*

Article 5. Swimming Pools

[Editor's Note: Article 5 was adopted in its entirety by Ordinance No. 224, passed September 2, 1980]

§9-501 SWIMMING POOLS; DEFINITIONS, SCOPE OF ARTICLE. For the purpose of this Article, a SWIMMING POOL shall be defined as a body of water in an artificial or semi-artificial receptacle or other container whether located indoors or outdoors, used or intended to be used for private swimming by adults or children or both, including all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool. The provisions of this Article shall be applicable to all underground pools and above ground pools, including inflatables, with sides that measure twenty-four (24) inches or more. Water depth is not the determining factor. *(Amended by Ord. No. 896, 8/4/15)*

§9-502 SWIMMING POOLS; PERMIT; PLANS AND SPECIFICATIONS. Before commencing the installation of any swimming, bathing, or wading pool, application shall be made for a permit from the Building Inspector. Application for permits shall be accompanied by plans and specifications sufficient in detail to show the pool dimensions, size, and type of filters, a layout of all piping, with size indicated, methods of waste disposal, sources of water supply, and other pertinent data. The above requirements shall not void any requirements by any other city, state, or federal departments for permits, plans, or approvals. All work performed shall comply with this section and the applicable sections of the City's Building, Electrical, Health and Plumbing Codes, and Zoning Ordinances.

§9-503 SWIMMING POOLS; ENCLOSURES. (1) Every outdoor private, residential or family pool shall be completely surrounded by a fence or wall not less than six feet (6') in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches (4") in any dimension except for doors and gates, and if a picket fence is erected and maintained, the horizontal dimension shall not exceed four inches (4"). A dwelling or accessory building may be used as part of such enclosure.

(2) All gates and doors opening through such enclosure shall be equipped with a self-closing and self-latching device located at least forty-five inches (45") above grade level for keeping the gate or door securely closed at all times, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

(3) The provisions of this section shall be applicable to all family pools other than indoor pools.

§9-504 SWIMMING POOLS; SETBACK OF POOL FROM LOTLINE. The sides of the pool shall be located at least four feet (4') from any lot line.

§9-505 SWIMMING POOLS; SAFETY PRECAUTIONS. All reasonable precautions shall be taken to protect the users and bathers in private pools from injury or accident. Convenient means of egress and ingress shall be provided. Safety appliances such as life buoys, life hooks, bamboo

poles, or ropes and equipment including first-aid kits shall be provided and be readily accessible.

Article 6. Lighting and Thermal Efficiency Standards

[Editor's Note: Article 6 was adopted in its entirety by Ordinance No. 227, passed March 3, 1981]

§9-601 LIGHTING AND THERMAL EFFICIENCY STANDARDS; NEED. (1) This ordinance shall be known as the Minimum Lighting and Thermal Efficiency Standards for Buildings:

(2) The City finds that there is a present and continuing need to provide for the development and implementation of minimum lighting and thermal efficiency standards for buildings to insure coordination with federal policy under the Energy Conservation Standards for New Building Act of 1976, to promote the conservation of our dwindling energy resources, and to provide for the public health, safety, and welfare.

§9-602 LIGHTING AND THERMAL EFFICIENCY STANDARDS; TERMS, DEFINED. As used in this Article, unless the context otherwise requires, the following definitions shall apply:

- (1) A prime contractor shall mean the person, persons, entity or entities who has a contract with the owner and is the one responsible for the overall construction of any building or the installation of any component which affect the energy efficiency of the building. Prime contractor shall also mean a property owner who performs the work of a prime contractor.
- (2) Architect or engineer shall mean any person registered pursuant to section 81-847, Reissue Revised Statutes of Nebraska, 1943.
- (3) Building shall mean any structure which utilizes or will utilize a heating system, cooling system, or domestic hot water system, including new buildings, renovated buildings, and additions, but not including any structure which has a consumption of traditional energy sources for all purposes not exceeding the energy equivalent of one watt per square foot.
- (4) Residential building shall mean a building three stories or less that is used primarily as one or more dwelling units.
- (5) Renovation shall mean alterations on an existing building which will cost more than fifty percent of the replacement costs of such building at the time work is commenced or which was not previously heated or cooled, for which a heating or cooling system is now proposed, except that the restoration of historical buildings shall not be included.
- (6) Addition shall mean any construction added to an existing building which will increase the floor area of that building by five percent (5%) or more.
- (7) Floor area shall mean the total area of a building, expressed in square feet, which is within the exterior face of the shell of the structure which is heated or cooled.
- (8) Standard shall mean Standard 90-75 of the American Society of Heating, Refrigeration, and Air-Conditioning Engineers, Inc., as it existed on April 23, 1980.
- (9) Traditional energy sources shall mean electricity, petroleum based fuels, uranium, coal, and all nonrenewable forms of energy.

§9-603 LIGHTING AND THERMAL EFFICIENCY STANDARDS; APPLICABILITY. The Standard shall apply to:

- (1) New residential buildings on which construction is initiated on or after April 1, 1981; and

(2) All other new buildings, or renovations of or additions to any existing buildings, on which construction is initiated on or after January 1, 1982.

§9-604 LIGHTING AND THERMAL EFFICIENCY STANDARDS; EXEMPTIONS. The following shall be exempt from this act:

- (1) Any building which has a peak design rate of energy usage for all purposes of less than one watt, or three and four-tenths British Thermal Units per hour, per square foot of floor area.
- (2) Any building which is neither heated nor cooled.
- (3) Any building or portion thereof which is owned by the United States of America.
- (4) Any mobile home as defined by section 71-4603, Reissue Revised Statutes of Nebraska, 1943.
- (5) Any manufactured housing unit as defined by subsection (1) of section 71-1557, Reissue Revised Statutes of Nebraska, 1943.
- (6) Any building listed on the National Register of Historic Places.
- (7) All residential buildings shall be exempt from lighting efficiency standards.

§9-605 LIGHTING AND THERMAL EFFICIENCY STANDARDS; REQUEST FOR ALTERNATIVE BUILDING SYSTEM; APPROVAL. Any person who owns or constructs a building to which this Article applies may request that an alternative building system, technique, equipment design, or building materials be found equivalent to the Standard. The Chief Building Inspector shall make such determination if he finds that the proposed alternative would not result in energy consumption greater than would result from the strict application of the Standard. If the Chief Building Inspector fails to approve or disapprove the request within sixty days from the date of filing, it shall be considered approved.

§9-606 LIGHTING AND THERMAL EFFICIENCY STANDARDS; INSPECTIONS; INVESTIGATIONS. The Chief Building Inspector or any person designated by him or her shall conduct inspections and investigations necessary to enforce the Standard and may, at reasonable hours, enter into any building and upon any premises within its jurisdiction for the purpose of examination to determine compliance with this Article. Inspections shall be conducted only after permission has been granted by the owner or occupant or after a warrant has been issued pursuant to sections 29-830 to 29-835, Reissue Revised Statutes of Nebraska, 1943.

§9-607 LIGHTING AND THERMAL EFFICIENCY STANDARDS; BUILDING PLANS SUBMISSION FOR APPROVAL. Prior to the construction of, renovation of, or addition to any building covered by this ordinance, the prime contractor shall file sufficient plans and specifications with the Chief Building Inspector to enable him or her to make a determination whether such building will comply with the Standard. The Chief Building Inspector shall within thirty (30) days of the filing approve or disapprove the plans and specifications. If disapproved, the reasons shall be set forth in writing to the prime contractor.

If the Chief Building Inspector determines that such construction, renovation or addition will comply with the Standard, he or she shall issue a written permit which the prime contractor shall display in a conspicuous place on the premises where the construction work is to be done.

No construction, renovation or addition shall commence until a permit is issued and displayed as required by this section.

§9-608 LIGHTING AND THERMAL EFFICIENCY STANDARDS; FEES. The person filing the application for a permit shall, at the time of such filing, pay to the City the sum of twenty-five dollars (\$25.00) for residential buildings and one cent per gross square foot for any other building.

§9-609 LIGHTING AND THERMAL EFFICIENCY STANDARDS; WHEN ARCHITECT OR ENGINEER IS RETAINED. If an architect or engineer is retained, the architect or engineer shall place his or her state registration seal on all construction drawings which shall indicate that the design meets the Standard. The Prime Contractor shall certify that he or she will build in accordance with the construction documents prepared by the architect or engineer. This certification must accompany the building plans submitted to the Chief Building Inspector for approval.

§9-610 LIGHTING AND THERMAL EFFICIENCY STANDARDS; VALIDITY. If any section in this Article or any part of any section shall be declared invalid or unconstitutional such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Article 7. Unsafe Buildings

§9-701 UNSAFE BUILDINGS; SPECIAL ASSESSMENTS. If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the Municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Governing Body. The Governing Body may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. *(Ref. 18-1720, 18-1722, 18-1722.01, 77-1725 RS Neb.) (Ord. No. 331, 1/8/91)*

Article 8. Penal Provisions

§9-801 VIOLATIONS; PENALTY. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500.00) A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (*Ref. 17-505, 18-1720, 18-1722 RS Neb.*) (*Amended by Ord. No. 495, 7/5/00*)

§9-802 ABATEMENT OF NUISANCE. (*Repealed by Ord. No. 495, 7/5/00*)