

January 6, 2011

## **ALLIANCE CITY COUNCIL**

REGULAR MEETING, THURSDAY, JANUARY 6, 2011

STATE OF NEBRASKA            )  
   )  
 COUNTY OF BOX BUTTE        ) §  
   )  
 CITY OF ALLIANCE             )

The Alliance City Council met in a Regular Meeting, January 6, 2011 at 7:00 p.m., in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on December 30, 2011. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Feldges opened the January 6, 2011 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Yeager, Kusek, Benzel, and Gonzalez. Also present were City Manager Cox and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first agenda item was to welcome new City Manager J.D. Cox to the City of Alliance.
- The next item for Council's review was the Consent Calendar.

Motion by Councilman Benzel, seconded by Councilman Kusek to approve the Consent Calendar which follows in its entirety:

### **CONSENT CALENDAR – JANUARY 6, 2011**

1. Approval: Minutes of the Regular Meeting, December 16, 2010.

January 6, 2011

2. Approval: Payroll and Employer Taxes for the period November 27, 2010 through December 10, 2010 inclusive: \$161,337.20 and \$11,470.47 respectively; and for the period December 11, 2010 through December 24, 2010 inclusive: \$159,257.17 and \$11,592.05 respectively.
3. Approval: Claims against the following funds for the period December 13, 2010 through January 3, 2011: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$193,969.91.
4. Approval: Resolution No. 11-01 granting a Special Designated License to the Alliance Volunteer Fire Department for their annual Bosses Night on February 4, 2011. A copy of the request has been included in the Council's packet.
6. Approval: The issuance of a Cemetery Certificate to Robert E. Hickman and Forrest Hickman for Lot Fourteen (14), Section Six (6), Block Twenty (20), Third Addition to the Alliance Cemetery.
7. Approval: The issuance of a General Contractor's License to Morey Cade dba West Plains Co.

NOTE: City Manager Cox has reviewed these expenditures and to the best of his knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Councilman Benzel asked for an explanation for the charge of K.L. Wood to replace water. Mike Hulquist, Water Superintendent advised Council that Resolution 99-29 allows for the repair/replacement of a leaking service line to be paid partially by the City. Councilman Kusek referenced a charge for heating the Municipal Building and inquired if a grant had ever been pursued to replace the heating system in the building. City Attorney Larry Miller advised Council the grant was denied. He also asked about a charge to replace tops and seats at the swimming pool. Interim Finance Director Smith advised Council the charge was for the picnic tables. Mr. Kusek asked about elevator maintenance at the library. Staff will research the charge and report back to Council. Councilman Kusek questioned a charge for spools of wire. Mr. Smith advised Council the charge will be researched. Mayor Feldges asked about a charge for meals for the Police Department at Afternooners. Council was advised that one new officer is attending the Police Academy and the City is required to purchase a meal plan prior to the beginning of the training. Councilman Benzel asked if the person signing the claims as Finance Director could make his signature legible.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

January 6, 2011

- The next agenda item was a Conflict Claim of Councilman Kusek in the amount of \$179.20.

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve a Conflict Claim of Councilman Kusek in the amount of \$179.20.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez.

Voting Nay: None.

Abstaining: Kusek.

Motion carried.

- A request of Robert R. and Rita M. Moravek to purchase a portion of Lot 12, Block 3, Johnston's Addition was the next item for Council's review.

Councilman Benzel said that the proposed purchase price equals approximately 15 ½ cents per square foot and only two property owners can build on it because it is an irregular sized lot. City Attorney Miller reviewed several odd shaped parcels of property that were sold by the City for a variety of prices. Councilman Kusek asked if it would be better to declare this property as surplus and make sure that both adjacent property owners have the option to purchase it. He also wanted to make sure that the buyer is aware that the City will assume no responsibility for the land after the sale. Council instructed staff to conduct additional research and bring it back to Council in approximately one month.

- The second reading of Ordinance No. 2670 with regard to International Codes and an amendment to exempt the section requiring residential sprinklers in single and two family dwellings was the next item to be discussed by Council.

Motion by Councilman Kusek, seconded by Councilman Gonzalez to approve Ordinance No. 2670 on second reading. City Clerk Jines read the ordinance by title.

### **ORDINANCE NO. 2670**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING CHAPTER 9, ARTICLES 1 THROUGH 19, RELATING TO BUILDING REGULATIONS; THE ADOPTION OF THE INTERNATIONAL CODES AND REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

Motion by Councilman Benzel, seconded by Councilman Kusek to amend Ordinance No. 2670 by adding line number 9, Section R313.2 of Section 9-1602 of Article 16 to delete the inclusion of automatic fire systems.

January 6, 2011

Councilman Kusek asked for input from the construction industry in the City of Alliance. Fire Chief Troy Shoemaker gave a brief statement to Council regarding the installation of sprinkler systems in homes. He indicated that he would be remiss in his duties as Fire Chief if he did not bring this idea before Council.

Roll call vote on the amendment with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

## **AMENDED ORDINANCE NO. 2670**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING CHAPTER 9, ARTICLES 1 THROUGH 19, RELATING TO BUILDING REGULATIONS; THE ADOPTION OF THE INTERNATIONAL CODES AND REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The City of Alliance has adopted Building Regulations in Chapter 9 of the Alliance Municipal Code.

SECTION 2. The International Code Council and the National Fire Protection Association have published new codes.

SECTION 3. The City desires to adopt the new codes as listed herein.

SECTION 4. Alliance Municipal Code at Chapter 9, shall be amended at Articles 1 through 19 to read as follows:

### **ARTICLE 1**

#### **CODE ADMINISTRATION**

##### **9-101. CODE ADMINISTRATION; GENERALLY**

The uniform codes adopted by reference in this Chapter delegate the administration and enforcement thereof to Municipal authorities with a variety of titles. It is hereby declared that the administration and enforcement of said codes of the City of Alliance shall be the duty and responsibility of the City Manager by and through such assistants as he/she may appoint for that purpose.

##### **9-102. CODE ADMINISTRATION; ADDITIONAL RULES**

January 6, 2011

The City Manager is authorized to consult with members of the construction industry and code council engineers for the purpose adopting or clarifying code provisions and municipal rules and regulations to take advantage of the changes in the construction industry and to promote the health, safety and general welfare of the public.

9-103. CODE ADMINISTRATION; AMENDMENTS AND ADDITIONS.

Amendments and Additions to the uniform codes herein adopted by reference shall not automatically become part of the Municipal Code until the City Council, by ordinance, approves said amendment or additions.

## ARTICLE 2

### BUILDING CODE

9-201. BUILDING CODE; ADOPTED BY REFERENCE.

The *International Building Code*, 2009 Edition, and any subsequent editions and amendments, including Appendices B C, F, G, H, I, and J, as published by the International Code Council, Inc., be and is hereby adopted as the *Building Code* of the City of Alliance, Nebraska; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said *Building Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes.

A copy of the *International Building Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

Amendments to the International Building Code are as follows:

1. Section 101.1. Insert: City of Alliance, Nebraska  
 Section 1612.3. Insert: City of Alliance, Nebraska  
 Section 1612.3. Insert: July 16, 1987
2. Section 105.2. Work exempt from permits. Exemption from 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. Permits shall not be required for the following:
  1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 150 square feet, and the roof ridge height does not exceed 10 feet.
  2. Sidewalks that are internal to the property and do not connect to the public sidewalk

January 6, 2011

or public right of way.

3. Section 202. Garage, Private. A private garage is a building or a portion of a building which is used primarily for the storage of private or pleasure-type motor vehicles by the tenants of the building or buildings on the premises, where no commercial repair work is allowed, fuel is dispensed, no loud or odiferous nuisances occur, which may disturb neighbor's peaceful enjoyment or which is not otherwise allowed in a residential neighborhood.
4. Section 202. Porch. A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window to wall area is less than 50 percent.
5. Section 406.1.1. Buildings or parts of building classed as Group U, Occupancies because of the use or character of occupancy may exceed 1,000 square feet in area or one story in height as regulated by Section 406.1.2 and Alliance Municipal Code, 10-303.02.1 (a) Area and Bulk Regulations.
6. Section 109.7 Reinspections. 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 approved plans are not readily available to the inspector on the work site, for failure to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the building official.

#### 9-202. BUILDING CODE; PERMIT FEES

Building permit fees shall be based upon the Building Valuation Data and Regional Modifiers compiled by the International Code Council, which shall be updated from time to time. The Community Development Director or his representative which he may designate in writing is authorized to deviate from the Building Valuation Data and Regional Modifiers if the applicant for the building permit can provide sufficient proof of building costs acceptable to the Community Development Director or representative. Said valuation data will be on file in the Office of the Community Development Department for public inspection during regular business hours.

#### 9-203. BUILDING CODE; LICENSE REQUIRED

It shall be unlawful to engage in business in the municipality or its zoning jurisdiction as a building contractor without first having obtained a license therefore as hereinafter provided. The term "building contractor" shall mean and include anyone engaged in the business of cement or concrete contracting,

January 6, 2011

masonry contractor, carpenter contractor or general building contractor, and any person engaged in the construction, alteration or repair of buildings or other structures, sidewalk or street construction. Engaging in the construction, repair or alteration of any building, structure, or street or sidewalk pavement in the municipality or its zoning jurisdiction for which a permit is required under the ordinances of the municipality shall be construed as doing business as a contractor in the municipality. To be licensed as a General Contractor, the applicant shall submit to an examination and have a minimum of three years of approved construction experience. No examination shall be required of an applicant who is the holder of a similar license issued by any other governmental agency; provided, that the applicant shall have successfully completed an examination conducted by the other governmental agency which is similar in scope and character to the examination required locally. This requirement is in addition to the required insurance certification and appropriate license fee.

#### 9-204. BUILDING CODE; SUBCONTRACTORS.

Any person doing business as a subcontractor shall be construed as engaged in the business of a building contractor for which a license is required by this code.

#### 9-205. BUILDING CODE; REGULATIONS

It shall be the duty of all building contractors to comply with all laws and ordinances relating to the construction of buildings or other structures, and to the construction of streets or sidewalk paving.

#### 9-206. BUILDING CODE; REVOCATION

Any building contractor's license may be revoked by the Mayor and Council for repeated violations of any ordinance relating to the construction of buildings, the use of streets, or the replacing of streets, sidewalks or parkways, or any other ordinance relating to the work performed by such contractor. Such revocation may be in addition to any fine imposed for violating this ordinance.

#### 9-207. BUILDING CODE; ISSUANCE OF LICENSE; LIABILITY INSURANCE.

The Mayor and Council shall issue licenses to all applicants who pay the required fee, furnish acceptable references, have appropriate experience, and pass the required examination. No examination shall be required of an applicant who is the holder of a similar license issued by any other governmental agency; provided, that the applicant shall have successfully completed an examination conducted by the other governmental agency which is similar in scope and character to the examination required locally. No such license shall be issued unless the applicant first presents to the City a certificate of insurance, demonstrating that the applicant and his employees are covered by liability insurance with policy limits of no less than \$300,000.00, for the period of the license, and the applicant has the requisite experience. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$300,000.00. Each license shall remain in force and effect until its expiration date, April 30th of each year, unless sooner canceled or revoked.

#### 9-208. LICENSE FEES

The annual fee for such license shall be set by resolution of the Mayor and City Council, which resolution may be revised from time to time by further enacted resolution.

January 6, 2011

9-209. VIOLATIONS AND PENALTIES.

Any person, firm or corporation violating any section of this code shall be deemed guilty of a misdemeanor and be subject to penalty as provided by Municipal Law.

### ARTICLE 3

#### HOUSING CODE

9-301. HOUSING CODE; ADOPTED BY REFERENCE

*The International Existing Building Code*, 2009 Edition, and any subsequent editions and amendments as published by the International Code Council; insofar as said code does not conflict with the Statutes of the State of Nebraska is hereby incorporated by this reference as though set forth herein. The application of the International Existing Building Code and any amendments thereto is to provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in houses hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, The provisions of the *International Existing Building Code* shall be controlling throughout the Municipality and throughout its zoning jurisdiction. A copy of the *International Existing Building Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

### ARTICLE 4

#### MECHANICAL CODE

9-401. MECHANICAL CODE; ADOPTED BY REFERENCE.

*The International Mechanical Code*, including Appendix A, 2009 Edition and any subsequent editions and amendments as published by the International Code Council, is hereby adopted as the mechanical code of the City of Alliance, Nebraska, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Alliance, Nebraska and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Mechanical Code*, 2009 Edition, and any subsequent editions and amendments are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance. A copy of the *International Mechanical Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

The following sections of the International Mechanical Code are hereby revised and amended as set forth herein:

1. Section 101.1. Insert: City of Alliance, Nebraska.

January 6, 2011

2. Section 106.5.2. Insert: The fees for mechanical work shall be those set forth in the current fee schedule adopted by the City of Alliance, and additional fees for special inspection and reinspection, as follows:
3. Section 106.5.3. Fee Refunds. The code official shall authorize the refunding of fees as follows:
  - a. The full amount of any fee paid hereunder which was erroneously paid or collected.
  - b. Not more than 90% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
  - c. Not more than 90% 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 review effort has been expended.
4. Section 108.4. Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine as provided in Chapter 12 Section 12-101 of the City of Alliance Municipal Code. Each date that a violation continues after due notice has been served shall be deemed a separate offense.
5. Section 108.5. Stop Work Orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as provided in Chapter 12 Section 12-101 of the City of Alliance Municipal Code. Each date that a violation continues after due notice has been served shall be deemed a separate offense.
6. No permanently installed Liquefied Petroleum Gas (LPG) appliance located totally within a building or structure will be allowed on sites or lots less than one acre, when existing natural gas infrastructure and supply is available for use within 100 feet of the property.

#### 9-402. PERMITS REQUIRED

No person shall install, alter, reconstruct, or repair any heating, ventilating, cooling or refrigeration equipment unless a permit therefore has been obtained from the building official, except as otherwise provided in said code. A separate permit shall be obtained for work to be performed in each building or

January 6, 2011

structure. No permit shall be issued to any person to do or cause to be done any heating or comfort cooling work regulated by this code, except to a person who is the holder of a Heating and Cooling Contractor license; provided however, that a permit may be issued to any person to do any heating or comfort cooling work regulated by this code in a single family dwelling used exclusively for living purposes, in the event that such person is the owner of the dwelling and that it is occupied by the owner.

#### 9-403. CONTRACTORS LICENSE REQUIRED

It shall be unlawful for any person to engage in the business of heating and comfort cooling unless that person is the holder of a Heating and Comfort Cooling Contractors License issued by the City Clerk. Each license shall expire on April 30th of each year.

#### 9-404. JOURNEYMAN LICENSE REQUIRED

It shall be unlawful for any person to labor at the trade of heating and comfort cooling installation or repair as an employee of a licensed contractor unless said person is the holder of a Heating and Cooling Journeyman License issued by the City Clerk. Each license shall expire on April 30th of each year.

#### 9-405. QUALIFICATIONS FOR LICENSING

It shall be unlawful for any person to engage in any of the occupations of heating, venting and air conditioning (HVAC), unless that person has applied for and received the appropriate license. Applications for a license shall be made to the Community Development Department that shall receive from the applicant the required fee. The applicant shall submit to an examination and/or verification of required field experience to determine his competency in the field of work regulated by this code. Field experience to be licensed as a Master Contractor in Alliance requires three years of experience as a Master Contractor or Journeyman with confirmation. Up to one year of this requirement may be fulfilled by successful completion of a course from an approved trade or technical school. No such license shall be issued unless the applicant first presents to the City a certificate of insurance, demonstrating the applicant and his employees are covered by liability insurance with policy limits of no less than \$300,000.00, for the period of the license. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$300,000.00. It shall be the responsibility of the Mayor and Council to grant or deny issuance of said license.

#### 9-406. VIOLATIONS AND PENALTY

Any person, firm, or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Each violation shall be subject to penalty as provided in Chapter 12 Section 12-101 of the City of Alliance Municipal Code.

#### 9-407. LICENSE FEES.

The annual fee for such licenses shall be set by resolution of the Mayor and City Council, which resolution may be revised from time to time by further enacted resolution.

#### 9-408. PERMIT FEES.

January 6, 2011

Any person desiring a permit required by this code, shall, at the time of filing an application therefore, pay a fee as set by resolution of the Mayor and City Council, which resolution may be revised from time to time by further enacted resolution.

## ARTICLE 5

### ELECTRICAL CODE

#### 9-501. NATIONAL ELECTRICAL CODE, 2008 EDITION; ADOPTED BY REFERENCE

The *National Electrical Code*, -2008 Edition, and any subsequent editions and amendments as published by the National Fire Protection Association, is hereby adopted as the code of the City of Alliance, Nebraska, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems and appliances in the City of Alliance, Nebraska and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *National Electrical Code*, as amended. A copy of the *National Electrical Code*, 2008 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

Revisions. The following sections of the National Electrical Code, 2008, are hereby revised and amended as set forth herein:

1. Article 210.12 (A) & (B) and Article 550.25 (A) & (B) - Arc-Fault Circuit Interrupter Protection. **Notes:** Article 550.25 (A) & (B) - Rule not included in NFPA 501 or HUD part 3280 rules. Article 210.12 (A) & (B) & Article 550.25 (A) & (B) - will be omitted until such time as testing equipment, procedures and performance reviews are available to this municipality.
2. Article 250.26(4) - Conductor to be grounded - alternating current systems. **Insert:** Multi phase system will not have one phase conductor grounded (corner ground) but will have a neutral phase (center tap).
3. 2005 NEC - 338.10 (A) - service entrance (SE) cable may be used for interior use and comply with 338.10(B) (4) (a) all exterior installations will be protected by conduits listed under Article 225.10.
4. 2005 NEC - 310.2 (B) - Conductor material in this article shall be copper unless otherwise specified or with approval of the Electrical Inspector.
5. 2005 NEC - 230.70 (A) - Electrical Code §230-70 (A). Service Equipment - Disconnecting Means - Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure, or inside nearest the point of the entrance of the service conductors, within 18 inches of entrance of the service conductors. If there are extenuating circumstances, then with prior approval of the electric inspector, the disconnecting means may be installed up to 60 inches from the entrance of the service conductors.

January 6, 2011

6. 2005 NEC - 230.31 (B) enter (exception) - The conductors shall not be smaller than 8 AWG copper or 6 AWG aluminum.

9-501.01. CONDUCTOR TERMINATIONS, LOAD.

All plugs, switches, and light fixtures will have all conductors properly terminated so that the device only carries the load of that device and not that of the circuit when three or more cables or the equivalent enter a box (pigtail). Excepted are number 1 GFCI receptacles.

9-502. ELECTRICAL CODE; PERMITS ISSUANCE.

No permit shall be issued to any person to do or cause to be done any electrical wiring regulated by this code, except to a person holding a valid unexpired License duly registered with the City of Alliance. No permit shall be issued to any person to do or cause to be done any maintenance electrical wiring or maintenance repair including, but not limited to, the installation of heating, cooling, fire alarm, security system or cooking appliances to existing circuits or services except to a person holding a valid unexpired or unrevoked Electrician's License. Any permit required by this Article may be issued to any person to do any electrical wiring regulated by this code in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are occupied by or designed to be occupied by said owner; provided, that said owner shall personally purchase all material and shall personally perform all labor in connection therewith.

9-503. ELECTRICAL CODE; ELECTRICIANS, CLASSIFICATION.

Electricians shall be classified in accordance with the Statutes of the State of Nebraska.

9-504. ELECTRICAL CODE; REGISTRATION AND LICENSE APPLICATION.

It shall be unlawful for any person to engage in any of the occupations set out above unless that person has applied for and received the appropriate State of Nebraska License and is duly registered with the City of Alliance. Application for registration of a State of Nebraska Electricians License shall be made to the Building Official who shall receive from the applicant a current copy of a State of Nebraska License. It shall be the responsibility of the Mayor and Council to grant such City registration if the insurance requirements have been complied with.

9-505. ELECTRICAL CODE; REGISTRATION AND LICENSE FEE.

Every person applying for City of Alliance registration of State of Nebraska Electrical License shall provide the Building Official with a copy of their current State of Nebraska License pursuant to Section 81-2130 of the Nebraska State Electrical Act. In addition to the above the applicant shall provide a certificate of insurance. No such license shall be registered unless the applicant first presents to the City a certificate of insurance, demonstrating that the applicant and his employees are covered by liability insurance with policy limits of no less than \$300,000.00, for the period of the license. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$300,000.00.

January 6, 2011

9-506. ELECTRICAL CODE; PERMIT AND INSPECTION FEES.

The amount charged and collected by the Municipality as electrical permit and inspection fee shall be set by resolution of the Mayor and City Council, which resolution may be revised from time to time by further enacted resolution.

9-507. ELECTRICAL INSPECTORS DESIGNATED.

There is hereby created the positions of City Electrical Inspectors. Such inspectors shall be certified as inspectors by the City Manager. At such time or times as the City Manager is satisfied that the candidate(s) is sufficiently proficient in his knowledge and understanding of electrical wiring and installation and with the National Electric Code. Such inspector(s) shall work in conjunction with or as employees of the Community Development Department.

9-508. INSPECTION AND TESTING.

The Electrical Inspector(s) shall have the right during reasonable hours to enter any building in the City in the discharge of his official duties, or for the purpose of making an inspection or test of the electrical equipment therein; and he shall have the duty and authority to enforce all the ordinance provisions relating to electric signs, electrical wiring and electrically operated equipment. He shall have the power to cause the current in any wire or conduit to be turned off whenever this is necessary in an emergency for the protection of life or property.

9-509. WIRING APPROVED.

The Electrical Inspector(s) shall make all inspections necessary to the enforcement of the City ordinances; and no electric wiring shall be covered until it has been inspected and approved.

9-510. WORK STOPPAGE.

Whenever the Electrical Inspector(s) shall find electrical work being done in violation of the City ordinances, he shall have the power to order the work stopped until the ordinances are complied with. It shall be unlawful to continue any such work after such a stop order has been issued except upon written permission of the Electrical Inspector; provided that where such a stop order is made orally, it shall be followed by a written stop order within a reasonable time.

## ARTICLE 6

### PLUMBING CODE

9-601. PLUMBING CODE; ADOPTED BY REFERENCE

The *International Plumbing Code*, -2009 Edition including Appendices A, ~~C, D, E, F, and G~~, and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Plumbing Code* is adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Alliance, Nebraska and providing for the issuance of

January 6, 2011

permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Plumbing Code*, 2009 Edition, and any subsequent editions and amendments. A copy of the *International Plumbing Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

Revisions. The following sections of the International Plumbing Code are hereby revised and amended as set forth herein:

1. Section 101.1. Title. These regulations shall be known as the Plumbing Code of Alliance, NE, hereinafter referred to as this code.
2. Section 106.6.2. Fee Schedule. The fee for all plumbing work shall be as indicated in the current schedule adopted for that purpose by the City of Alliance, together with the fees set forth hereafter for special inspection and reinspection fees.
3. Section 106.6.3. Fee Refunds. The code official shall authorize the refunding of fees as follows:
  - a. Not more than 90% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
  - b. Not more than 90% 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 review effort has been expended.
4. Section 108.4. Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine as provided in Chapter 12 Section 12-101 of the City of Alliance Municipal Code. Each date that a violation continues after due notice has been served shall be deemed a separate offense.
5. Section 108.5. Stop Work Orders. Upon notice from the code official that plumbing work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as provided in Chapter 12 of the Alliance Municipal Code. Each date that a violation continues after due notice has been served shall be deemed a separate offense.

January 6, 2011

6. Delete references to ICC Electrical Code, and replace with National Electrical Code, version currently adopted by the City of Alliance.
7. Section 305.6.1. Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 36 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 60 inches below grade.
8. Section 605.3. Added - Copper tube for water piping shall have a rating of not less than Type M copper tubing, which may be used for water piping when piping is above ground in, or on, a building including the basement.
9. Section 702.3. Delete vitrified clay pipe and asbestos cement pipe.
10. Section 904.1. Roof Extension. All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.
11. Section 402.1. Added - Wooden toilet seats may be used in single or multi-family residences.

9-602. PLUMBING CODE; AMENDMENTS.

9-603. PLUMBING CODE; PERMIT REQUIRED.

It shall be unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premises without first obtaining a permit to do such work from the Administrative Authority. A separate permit shall be obtained for each building or structure. No person shall allow any other person to do or cause to be done any work under a permit secured by that person except by an employee. No permit shall be issued to any person to do or cause to be done any plumbing or drainage work regulated by this code, except to a person holding a valid unexpired and unrevoked plumbing contractors license, except when and as otherwise hereinafter provided by this section. No permit shall be issued to any person to do or cause to be done any plumbing or drainage work in conjunction with the installation or repair of rental water treatment equipment or lawn sprinkling equipment regulated by this code, except to a person holding a Limited or Specialty Contractor's License. No permit shall be issued to any person to do or cause to be done any gas piping work, except reconnection of replacement appliances, except to a person holding a valid unexpired and unrevoked gas fitters license. Any permit required by this code may be issued to any person to do any plumbing or drainage work regulated by this code in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are occupied by or designed to be occupied by said owner, provided, that said owner shall personally purchase all material and shall personally perform all labor.

9-604. PLUMBING CODE; PERMIT FEES.

January 6, 2011

Permit fees shall be charged and collected from the applicant as set by resolution of the Mayor and City Council, which resolution may be changed from time to time by further enacted resolution.

9-605. PLUMBING CODE; QUALIFICATION OF PLUMBERS, LIMITED & SPECIALTY, AND GAS FITTERS.

A plumbing contractor is a person who may engage in any phase of the business of plumbing for which occupation there shall be issued to qualified applicants a Master Plumbing Contractors License. A Journeyman Plumber is a person who labors at the trade of plumbing as an employee of a Plumbing Contractor for which occupation there shall be issued to qualified applicants a Journeyman Plumbers License with a minimum of one years confirmed experience under a licensed contractor. An Apprentice Plumber is a person who labors at the trade of plumbing as an employee under the direct supervision of and in the immediate presence of a Plumbing Contractor or Journeyman Plumber. Field experience to be licensed as a Master Contractor in Alliance requires three years of experience as a Master Contractor or Journeyman with confirmation. Up to one year of this requirement may be fulfilled by successful completion of a course from an approved trade or technical school.

9-606. PLUMBING CODE; LICENSE APPLICATION FEES.

Every person applying for a License shall pay to the Building Official at the time he makes such application, a license fee as set by resolution of the Mayor and City Council, which resolution may be revised from time to time by further enacted resolution. In addition before a Plumbing Contractors License, Limited and Specialty License or Gas Fitters License may be issued the applicant shall provide a certificate of insurance. No such license shall be issued unless the applicant first presents to the City a certificate of insurance, demonstrating that the applicant and his employees are covered by liability insurance with policy limits of no less than \$300,000.00, for the period of the license. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$300,000.00.

9-607. PLUMBING CODE; ISSUANCE OF LICENSE.

The Mayor and Council shall issue licenses to all applicants who pay the required fee, provide an acceptable certificate of insurance, and has successfully passed the required examination. No examination shall be required of an applicant who is the holder of a similar license issued by any other governmental agency, provided, however, that the applicant shall have successfully completed an examination conducted by the other governmental agency which is similar in scope and character to the examination required locally. Each license shall remain in force and effect until its expiration date, April 30th of each year, unless canceled or revoked.

9-608. PLUMBING CODE; RE-EXAMINATION, CANCELLATION.

An applicant who fails to pass the required examination may apply for re-examination not sooner than 30 days after the result of the original examination is determined. Should the applicant be unsuccessful in a second attempt to pass the examination, he may be refused a third attempt until after the expiration of 6 months from the date the result of the second examination is determined. The Mayor and Council may cancel or revoke any license it issued if the holder displays lack of knowledge of the regulations, if he is incompetent to perform his occupation, or if the license is obtained by fraud.

January 6, 2011

9-609. PLUMBING CODE; VIOLATION AND PENALTIES.

Any person, firm or Corporation violating any provision of this code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine as set forth in 12-101 of the Municipal Code. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

## ARTICLE 7

### NATIONAL FLOOD INSURANCE PROGRAM

9-701. FLOOD ORDINANCE ENFORCEMENT AUTHORIZATION FOR CITY MANAGER.

The City Manager hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this Special Flood Hazard Ordinance and all other Ordinances of the City of Alliance, Nebraska, now in force or hereafter adopted, relating to zoning, subdivision or building codes.

The City Manager is hereby appointed to these additional responsibilities by the City Council and his/her appointment shall continue during good behavior and satisfactory service. During temporary absences or disability of the City Manager, the acting City Manager shall perform these responsibilities.

9-702. FLOOD INSURANCE RATE MAP/FLOOD HAZARD BOUNDARY MAP.

The City Council of the City of Alliance, Nebraska, hereby designates Flood Insurance Rate Map/Flood Hazard Boundary Map, and amendments, as the official map to be used in determining those areas of special flood hazard.

9-703. PERMIT REQUIRED TO CONSTRUCT IN FLOOD ZONES.

No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each such building or structure;

- a. Within zone(s) A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.
- b. Application: To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:
  1. Identify and describe the work to be covered by the permit for which application is made.
  2. Describe the land on which the proposed work is to be done by lot, block, tract and street address, or similar description that will readily identify and definitely locate the proposed building or work.
  3. Indicate the use or occupancy for which the proposed work is intended.

January 6, 2011

4. Be accompanied by plans and specifications for proposed construction.
5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
6. Within designated flood prone areas, to be accompanied by elevations (in relation to mean sea level and City datum) of the lowest floor (including basement) or in the case of flood proofing non-residential structures, the elevation to which it has been flood proofed.

Documentation or certification of such elevations will be maintained by the designated Flood Plain.

7. Give such other information as reasonably may be required by the City Manager.

#### 9-704. REVIEW OF DEVELOPMENT PERMIT APPLICATIONS.

The City Manager, or his designated representative, shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

The City Manager, or his designated representative, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section 11 of this Ordinance) will:

- a. Obtain, review, and reasonably utilize, if available, any base flood elevation and flood way data from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:
  1. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation.
  2. New construction and substantial improvement of any non-residential structure shall either have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
    - (i) be flood proofed so that below the flood base elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph.

January 6, 2011

- b. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any flood way unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
- c. Require the use of construction materials and utility equipment that are resistant to flood damage.
- d. Require the use of construction methods and practices that will minimize flood damage.
- e. Be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.
- f. Electrical, heating, ventilation, plumbing and air- conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- g. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
  - 1. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations for homes more than fifty feet in length and one additional tie per side for homes less than fifty feet.
  - 2. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points for homes over fifty feet in length and four additional ties per side for homes less than fifty feet.
  - 3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
  - 4. Any additions to manufactured homes shall be similarly anchored.
- h. Require that all manufactures homes to be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6-g.

#### 9-705. FLOOD HAZARD ORDINANCE/REVIEW OF SUBDIVISION APPLICATIONS.

The Governing Body of the City shall review all subdivision applications and shall make findings of fact and assure that:

- a. All such proposed developments are consistent with the need to minimize flood damage.

January 6, 2011

- b. Subdivision (including manufactured home park and subdivision) proposals and other proposed new development greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data in areas designated Zone A.
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.
- d. All public utilities and facilities are designed and located so as to minimize or eliminate flood damage.

9-706. NEW OR REPLACEMENT WATER AND SEWER SYSTEMS.

New or replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into flood waters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

9-707. FLOOD CARRYING CAPACITY.

The Governing Body of the City will insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to alteration or relocation of any watercourse, and submit copies of such notifications to the Administrator. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Disaster Protection Act of 1973.

9-708. NATIONAL FLOOD DISASTER PROTECTION ACT.

This Ordinance shall take precedence over conflicting ordinances, or parts of ordinances. The City Council of the City of Alliance, Nebraska, may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976, as amended in Volume 51, Number 164 dated Monday, August 25, 1986.

9-709. DEFINITIONS.

Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

**AREAS OF SPECIAL FLOOD HAZARD:** The land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

January 6, 2011

**FLOOD:** A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of run-off or surface waters from any source.

**FLOOD PROOFING:** Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**MANUFACTURED HOME PARK:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent.

**MANUFACTURED HOME SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale.

**REGULATORY FLOOD ELEVATION:** The water surface elevation of the 100-year flood.

**STRUCTURE:** A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, manufactured homes and other similar uses.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of Historic Places.

**100 YEAR FLOOD:** The condition of flooding having a one percent chance of annual occurrence.

## ARTICLE 8

January 6, 2011

## DRAINAGE

### 9-801. MASTER DRAINAGE STUDY.

Alterations or impacts to the City's drainage system as defined by the adopted Master Drainage Study may not occur without following the provisions of the Drainage Criteria Manual. In the event of alterations substantially impacting the drainage system a Drainage Study must be approved by the Community Development Director or his designee prior to the issuance of a building permit. The final drainage report will outline the physical facilities that will be required of the applicant. The Community Development Director or his designee shall require that post construction run off will not exceed preconstruction runoff.

## ARTICLE 9

### ENERGY CONSERVATION CODE

#### 9-901. ENERGY CONSERVATION CODE; ADOPTION.

The *International Energy Conservation Code*, 2009 Edition, and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Energy Conservation Code* is adopted in order to provide certain minimum standards, provisions and requirements for energy conservation in building construction in the City of Alliance, Nebraska. A copy of the *International Energy Conservation Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

## ARTICLE 10

### UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

#### 9-1001. UNIFORM CODE/ABATEMENT OF DANGEROUS BUILDINGS; ADOPTION.

The *Uniform Code for the Abatement of Dangerous Buildings*, 1998 Edition and any subsequent editions and amendments, published in book or pamphlet form by the International Conference of Building Officials, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *Uniform Code for the Abatement of Dangerous Buildings Code* is adopted in order to provide a just, equitable and practicable method, to be cumulative with, and, in addition to, any other remedy provided by the Building Code, Housing Code or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished. A copy of the *Uniform Code for the abatement of Dangerous Building*, 1998 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

January 6, 2011

The following amendments or additions are hereby made to the Uniform Code for the abatement of dangerous buildings:

- (1) All references to a Board of Appeals contained at Section 205 of the Uniform Code for the Abatement of Dangerous Buildings are hereby deleted, as are any other references within the Uniform Code for the Abatement of Dangerous Buildings to a Board of Appeals.

## ARTICLE 11

### INTERNATIONAL EXISTING BUILDING CODE

#### 9-1101. INTERNATIONAL EXISTING BUILDING CODE

The *International Existing Building Code*, 2009 Edition, and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Existing Building Code* is adopted to provide minimum standards for change of occupancy, alteration or repair of existing buildings and structures to encourage the continued use or re-use of legally existing buildings and structures and shall be applicable to all areas of the City's building and zoning jurisdiction, as such jurisdiction may be altered from time to time.

A copy of the *International Existing Building Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

## ARTICLE 12

### LOCAL VARIANCE

#### 9-1201. LOCAL VARIANCE.

The City Council may from time to time, by proper resolution, for good cause shown, grant special variance permits authorizing the applicant to resort to methods, styles and components of construction at variance with the requirements of the International Codes. Exceptions can likewise be granted for the variant use of locations within the City. Applications for special variance permits shall be made in writing to the City Council.

## ARTICLE 13

### MOVING PERMITS

#### 9-1301. MOVING PERMITS

January 6, 2011

A moving permit shall be required for the moving of buildings on the street and road systems within the city limits and the two-mile zoning jurisdiction of the City of Alliance. Applications for moving permits shall be made with the Community Development Department of the City of Alliance.

The obtaining of this permit shall not relieve the owner from the need for a building permit once the building has been placed on property within the City's jurisdiction.

A deposit to be determined by the Community Development Director with consultation with the various utilities that may be required to assist in the move shall be required to cover expenses incurred by the City in assisting with moving.

## ARTICLE 14

### BUILDING PERMITS

#### 9-1401. BUILDING PERMITS.

The Community Development Director or his duly authorized representative shall have the power to enforce the provisions of this Ordinance. No building or other structure shall be erected, constructed, reconstructed, nor shall it be altered without first obtaining a building permit from the Community Development Director to be issued in accordance with the terms of this Ordinance.

#### 9-1402. APPLICATIONS.

Applications for building permits shall be filed with the Community Development Director or his duly authorized representative upon forms prescribed, setting forth among other things, the legal description of the lot, tract or parcel of land, together with a general description of the building or structure to be constructed, erected, or altered thereon including the approximate size and shape, location of the building or structure upon the lot, tract or parcel and the intended use.

No such permit shall be issued for any building, structure or construction unless the same be in conformity in every respect with all the provisions of the Zoning Ordinance and the Building Code of Alliance, Nebraska.

The Community Development Director or his duly authorized representative shall be empowered to act within the provisions of this Ordinance upon all applications for building permits, and the same shall be approved or denied not later than the fifth business day succeeding the day of filing. In the event of refusal to issue a permit upon an application, as herein provided, the applicant may perfect an appeal to the Board of Adjustment.

For each permit issued there shall be charged and collected from the applicant, a fee, in accordance with a schedule approved by the City Council, as provided for in 9-202.

There shall be a separate permit for each building or structure to be constructed, erected or altered, except accessory buildings and appurtenances which may be included in the permit for the main building when construction is simultaneous.

January 6, 2011

A permit may be revoked by the Community Development Director or his duly authorized representative at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation or was issued by mistake, or that any of the provisions of the Zoning Ordinance are being violated. Upon the failure, refusal or neglect of any owner, his agent, contractor or duly authorized representative to secure such permit and pay the prescribed fee therefore, as herein provided, the Community Development Director or his duly authorized representative may issue a stop order; provided, however, twenty-four hours written notice of such revocation or order to stop shall be served upon the owner, his agent or contractor, or upon any person employed upon the building or structure for which such permit was issued, and thereafter no such construction shall proceed.

## ARTICLE 15

### CERTIFICATE OF OCCUPANCY

#### 9-1501. CERTIFICATE OF OCCUPANCY.

Subsequent to the effective date of this article, no change in the character of use or in the occupancy classification of land or of a building shall be made, nor shall any new building be occupied, until a certificate of occupancy has been issued by the Community Development Director or his duly authorized representative. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this article.

No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

A record of all certificates of occupancy shall be kept on file in the office of the Community Development Department, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

## ARTICLE 16

### INTERNATIONAL RESIDENTIAL CODE

#### 9-1601. INTERNATIONAL RESIDENTIAL CODE

*The International Residential Code*, 2009 Edition, including Appendices A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and Q and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Residential Code* is adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City of Alliance, Nebraska, and providing for the issuance of permits; and each and all of the regulations, provisions, conditions and terms of such *International Residential Code*, and shall be applicable to all areas of the City's building and zoning jurisdiction, as such

January 6, 2011

jurisdiction may be altered from time to time. A copy of the *International Residential Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

9-1602. REVISIONS

The following sections of the International Residential Code are hereby revised and amended as set forth herein:

Section R301.2 (1).

Climatic and Geographic Design Criteria

Roof Snow Load:	20 lbs.
Wind Speed (mph):	90
Seismic Design Category:	A
Weathering:	Severe
Frost line depth:	3 feet
Termite:	Slight to moderate
Decay:	None to slight
Winter Design Temperature:	-10°F
Flood Hazards:	1977 adoption of the management of flood hazard areas 1987 current effective FEMA flood hazard map

2. Section R105.2. Work exempt from permits. Exemption from 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. Permits shall not be required for the following:
  - A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 150 square feet, and the roof ridge height does not exceed 10 feet.
  - B. Sidewalks that are internal to the property and do not connect to the public sidewalk or public right of way.
3. Section R202. Garage, Private. A private garage is a building or a portion of a building which is used primarily for the storage of private or pleasure-type motor vehicles by the tenants of the building or buildings on the premises, where no commercial repair work is allowed, fuel is dispensed, no loud or odiferous nuisances occur, which may disturb neighbor's peaceful enjoyment or which is not otherwise allowed in a residential neighborhood.

January 6, 2011

4. Section 202. Porch. A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window to wall area is less than 50 percent.
5. All references to the ICC Electrical Code shall be deleted and shall follow regulations set forth by the electrical code adopted by the City of Alliance.
6. Section R101.1. Insert: City of Alliance, Nebraska
7. Section R108.2. Schedule of Permit Fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the City of Alliance.
8. Section R108.6. Added - Reinspections. 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 approved plans are not readily available to the inspector on the work site, for failure to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the building official.
9. Section R313.2 One- and two-family dwelling automated fire systems is hereby deleted.

## ARTICLE 17

### INTERNATIONAL PROPERTY MAINTENANCE CODE

#### 9-1701. INTERNATIONAL PROPERTY MAINTENANCE CODE

*The International Property Maintenance Code, 2009 Edition, including Appendices A and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The International Property Maintenance Code is adopted for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance. Each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code shall be applicable to all areas of the City's building and zoning jurisdiction, as such jurisdiction may be altered from time to time.*

January 6, 2011

A copy of the *International Property Maintenance Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

9-1702. AMENDMENTS, REVISIONS, AND ADDITIONS

Section 101.1 Title. These regulations shall be known as the *Property Maintenance Code of Alliance, NE*, hereinafter referred to as this code.

Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be indicated in the following schedule.

Section 304.14 Insect screens. During the period from January 1<sup>st</sup> to December 31<sup>st</sup>, every door, window and other opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized 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 (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors will not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period of January 1<sup>st</sup> to December 31<sup>st</sup> to maintain temperature of not less than 68° F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

The exception is deleted.

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from January 1<sup>st</sup> to December 31<sup>st</sup> to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

- Exceptions:
1. Processing, storage and operation areas that require cooling or special temperature conditions.
  2. Areas in which persons are primarily engaged in vigorous physical activities.

All references to the ICC Electrical Code shall be deleted and shall follow regulations set forth by the electrical code adopted by the City of Alliance.

## ARTICLE 18

### FUEL GAS CODE

9-1801 FUEL GAS CODE; ADOPTED BY REFERENCE

January 6, 2011

*The International Fuel Gas Code*, 2009 Edition, including Appendices A, B, C, C, and E, and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Fuel Gas Code* is adopted for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said *Fuel Gas Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance. Each and all of the regulations, provisions, conditions and terms of such *International Fuel Gas Code* shall be applicable to all areas of the City's building and zoning jurisdiction, as such jurisdiction may be altered from time to time. A copy of the *International Fuel Gas Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

The following sections are hereby revised:

Section 101.1. Insert: City of Alliance

Section 106.5.2. Insert: Current Mechanical Fee Schedule

## ARTICLE 19

### INTERNATIONAL FIRE CODE

#### 9-1901 INTERNATIONAL FIRE CODE; ADOPTED BY REFERENCE

*The International Fire Code*, 2009 Edition, including Appendices A, B, C, D, E, F, G, H and J, as published by the International Code Council, Inc., and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Fire Code* is adopted for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Alliance, Nebraska, and each and all of the regulations, provisions, conditions and terms of such *International Fire Code*. Each and all of the regulations, provisions, conditions and terms of such *International Fire Code* shall be applicable to all areas of the City's building and zoning jurisdiction, as such jurisdiction may be altered from time to time.

A copy of the *International Fire Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

The following sections of the International Fire Code are hereby revised:

Section 101.1. Insert: City of Alliance, Nebraska

Section 111.4. Insert: One dollar or more than two hundred dollars.

January 6, 2011

- Section 3204.3.1.1                   Insert: These limits shall be as provided by the zoning regulations of the City of Alliance, and any other code regulation which has been adopted by the City of Alliance, or regulations which are enforced by the State of Nebraska within the jurisdiction of the City of Alliance, and also any applicable portions of NFPA30 Chapter 2.
- Section 3406.2.4.4                   Insert: These limits shall be as provided by the zoning regulations of the City of Alliance, and any other code regulation which has been adopted by the City of Alliance, or regulations which are enforced by the State of Nebraska within the jurisdiction of the City of Alliance, and also any applicable portions of NFPA30 Chapter 2.
- Section 3804.2                        Insert: The limits of the Alliance Municipal Codes at Section 9-401(10) are applicable to this section, as are any applicable limitations found at NFPA30 Chapter 2.

SECTION 5. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council hereby declare that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 7. That the Office of the Municipal Clerk is hereby ordered and directed to cause this ordinance to be published.

SECTION 8. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect January 1, 2011, or the effective date of this ordinance, whichever is later.

Councilman Benzel asked which building codes are retroactive. Community Development Director Houck advised Council the new codes apply to new construction only and are not retroactive to existing buildings.

Roll call vote on the second reading of Ordinance No. 2670 as amended with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

January 6, 2011

- The next matter before Council is a public hearing on the proposed Pepsi-Cola of Western Nebraska, LLC Redevelopment Plan for their Distribution. Mayor Feldges declared, "Now is the date, time, and place to conduct a Public Hearing on the proposed Pepsi-Cola of Western Nebraska, LLC Redevelopment Plan for their Distribution Facility. The Public Hearing opened at 7:44 p.m. Mr. Steve Ford, President of Pepsi-Cola of Western Nebraska, 5905 Hillcrest Road, Lincoln, NE addressed Council thanking them for all their help. Mayor Feldges closed the Public Hearing at 7:46 p.m.

Motion by Councilman Kusek, seconded by Councilman Yeager to postpone consideration of Resolution No. 11-02 until January 20, 2011.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- The next item to be voted on by Council was Resolution No. 11-03 approving Bank of the West, First National Bank, Great Western Bank and Wells Fargo Bank of Alliance, NE to act as authorized depositories for the City of Alliance.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 11-03 which follows in its entirety:

### **RESOLUTION NO. 11-03**

WHEREAS, Nebraska Statutes R.R.S. 1943 of Section 16-712 through 16-716 specify requirements for the Deposit of City Funds; and

WHEREAS, Those statutes require a resolution of the Mayor and City Council authorizing the City Treasurer to purchase Certificates of Deposit from and make time deposits in banks selected as depositories of City Funds; and

WHEREAS, Bank of the West, Great Western Bank, First National Bank, and Wells Fargo Bank; Alliance, NE have proposed security arrangements for deposited City Funds in accordance with State Statutes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the City Treasurer, acting on behalf on the City of Alliance, Nebraska, is hereby authorized to make purchases of Certificates of Deposit from and to make time deposits in Bank of the West, Great Western Bank, First National Bank, and Wells Fargo Bank; Alliance, NE; in accordance with their proposals and the appropriate Nebraska Statutes in effect at the time of this Resolution.

Roll call vote with the following results:

January 6, 2011

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- The next item for Council's review was Resolution No. 11-04 adopting a policy regarding the terms and conditions for use of the City of Alliance website.

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Resolution No. 11-04 which follows in its entirety:

#### **RESOLUTION NO. 11-04**

WHEREAS, The City of Alliance maintains a Website for the City of Alliance; and

WHEREAS, Staff has prepared a Policy which if adopted would state the terms and conditions for the use of the City of Alliance Website; and

WHEREAS, The Council believes that it is in the best interest of the City to adopt a policy which sets forth the terms and conditions of the use of the City of Alliance Website.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance Website Policy is adopted and approved.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- Resolution Nos. 11-05 and 11-06 authorizing the City of Alliance to enter into Agency Agreements with the Nebraska Department of Aeronautics was the next item on Council's agenda.

Motion by Councilman Benzel, seconded by Councilman Yeager to approve Resolution Nos. 11-05 and 11-06 which follow in their entirety:

#### **RESOLUTION NO. 11-05**

WHEREAS, The City of Alliance operates the Alliance Municipal Airport; and

January 6, 2011

*WHEREAS*, The City of Alliance will be constructing a new Aircraft Rescue and Fire Fighting Building, identified as Project No. 3-31-0003-14; and

*WHEREAS*, The City finds it is in the City's best interest to have the Nebraska Department of Aeronautics to act as the City of Alliance Municipal Airport's agent for the construction of a new Aircraft Rescue and Fire Fighting Building, identified as Project No. 3-31-0003-14; and

*WHEREAS*, The Nebraska Department of Aeronautics has provided the City with an Agency Agreement.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance shall enter into an Agency Agreement with the Nebraska Department of Aeronautics for Project Number 3-31-0003-14 (B01) for the purpose of obtaining Federal assistance in the development of the Alliance Municipal Airport and that such an Agreement is attached hereto and incorporated herein by this reference.

*BE IT FURTHER RESOLVED* that the Mayor of the City of Alliance is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Alliance and the City Clerk is hereby authorized to attest said execution.

*BE IT FURTHER RESOLVED* that said Agreement, referred to herein, is inserted in full and attached herewith and made a part hereof as Exhibit "O".

#### **RESOLUTION NO. 11-06**

*WHEREAS*, The City of Alliance operates the Alliance Municipal Airport; and

*WHEREAS*, The City of Alliance will be purchasing a new Aircraft Rescue and Fire Fighting Vehicle, identified as Project No. 3-31-0003-15; and

*WHEREAS*, The City finds it is in the City's best interest to have the Nebraska Department of Aeronautics to act as the City of Alliance Municipal Airport's agent for the purchase of a new Aircraft Rescue and Fire Fighting Vehicle, identified as Project No. 3-31-0003-15; and

*WHEREAS*, The Nebraska Department of Aeronautics has provided the City with an Agency Agreement.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance shall enter into an Agency Agreement with the Nebraska Department of Aeronautics for Project Number 3-31-0003-15 (E01) for the purpose of obtaining Federal assistance in the development of the Alliance Municipal Airport and that such an Agreement is attached hereto and incorporated herein by this reference.

January 6, 2011

*BE IT FURTHER RESOLVED* that the Mayor of the City of Alliance is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Alliance and the City Clerk is hereby authorized to attest said execution.

*BE IT FURTHER RESOLVED* that said Agreement, referred to herein, is inserted in full and attached herewith and made a part hereof as Exhibit "O".

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was a board appointment.

Motion by Councilman Kusek, seconded by Councilman Gonzalez to reappoint Jim Parks to the Alliance Planning Commission for a term ending December 31, 2013.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilman Gonzalez to reappoint Dorothy Schnell to the Alliance Planning Commission for a term ending December 31, 2011.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilman Benzel to reappoint Maureen Smith to the Alliance Housing Authority for a term ending December 31, 2015.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzel, Gonzalez.

January 6, 2011

Voting Nay: None.

Motion carried.

- City Manager Cox requested permission to add City Manager Reports to future agendas.
- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:15 p.m.”

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Fred Feldges, Mayor

(SEAL)

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Linda S. Jines, City Clerk