

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, FEBRUARY 19, 2009

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

The Alliance City Council met in a Regular Meeting, February 19, 2009 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 February 12, 2009. 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 Yeager opened the February 19, 2009 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Kusek, Benzel, Rowley and Feldges. Also present were City Manager Caskie, City Attorney Miller and Deputy City Clerk Wichman.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first item on Council's agenda was the Consent Calendar.

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

CONSENT CALENDAR – FEBRUARY 19, 2009

1. Approval: Minutes of the Regular Meeting, February 5, 2009.
2. Approval: Payroll and Employer Taxes for the period January 24, 2009 through February 6, 2009 inclusive: \$155,680.22 and \$11,073.76 respectively.

3. Approval: Claims against the following funds for the period February 3, 2009 through February 13, 2009: 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; \$836,532.31.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Samantha Gilmore, Lus (Marina) Girard, Dominick Peterson, and Terry Weisgerber.
5. Approval: The issuance of a Cemetery Certificate to Floyd Evert Whipple and Reva Rae Whipple for the West One Half (W½) of Lot Thirty-one (31), Section Nine (9), Block Twenty (20), Third Addition to the Alliance Cemetery.

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

Councilman Benzel questioned a charge to Bauer Pre-Mix. Public Facilities Director Eric Lenz explained it was for contract snow removal with a front end loader. Councilwoman Rowley inquired about hotel charges for the Water Department. City Manager Caskie advised Council that the charge was for two employees for two nights.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Proclamations for Gambling Awareness Month and FFA Week were the next item on Council's agenda.

Councilman Feldges read the proclamation for Gambling Awareness Month which follows in its entirety:

PROCLAMATION

Whereas, our community is home to individuals and families adversely affected by problem gambling; and

Whereas, compulsive gambling is often hidden from family members, social services and mental health professionals; and

Whereas, compulsive gambling often occurs in combination with other disorders such as chemical dependency and depression; and

Whereas, it is important to raise awareness of the warning signs of compulsive gamblers and connect them with professional help.

Now, Therefore, on behalf of the Mayor and Members of the City Council of the City of Alliance, Nebraska, I hereby officially proclaim March, 2009 as

GAMBLING AWARENESS MONTH

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Alliance to be affixed on this 19th day of February in the year of the Lord Two Thousand Nine.

The proclamation was presented to Cari Brunner, representative of Crossroads Resources, LLC.

Councilwoman Rowley read the proclamation for FFA Week which follows in its entirety:

PROCLAMATION

WHEREAS, The FFA and Agricultural Education provide a strong foundation for the youth of America and the future of the food, fiber and natural resource systems; and

WHEREAS, The FFA promotes premier leadership, personal growth and career success among its members; and

WHEREAS, Agricultural Education and the FFA ensure a steady supply of young professionals to meet the growing demands in the science, business and technology of agriculture; and

WHEREAS, the FFA motto - "Learning to do, Doing to learn, Earning to live, Living to serve" - gives direction of purpose to these students who take an active role in succeeding in agricultural education; and

WHEREAS, the FFA promotes citizenship, volunteerism, patriotism and cooperation,

NOW, THEREFORE, On behalf of the Members of the Alliance City Council, I do hereby designate the week of February 21 through 28, 2009, as FFA week.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the seal of the City of Alliance, Nebraska to be affixed this 19th day of February 2009.

The proclamation was presented to Spencer Rowley and Kyle Coleman, officers of the Alliance FFA Chapter.

- The next item on Council's agenda was the Audit Presentation by representatives of Almquist, Maltzahn, Galloway and Luth, P.C. of Grand Island, NE for Fiscal Year 2007-2008.

Mr. Terry Galloway gave a brief overview of the audit for Fiscal Year 2007-2008.

Motion by Councilman Kusek, seconded by Councilman Benzel to accept the Audit Report for Fiscal Year 2007-2008 as presented.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was a request by Peter P. Mortaro to discuss the proposed Alliance Community Gardens.

Peter Mortaro, 1647 Buchfinck Avenue advised Council that several years ago a community garden existed in his neighborhood. Several problems arose in conjunction with the community garden such as excessive noise, unsupervised children, parking issues, weeds and litter, uncontrolled pets, and traffic congestion. Mr. Mortaro indicated that Building Inspector Kevin Kubo advised him that if the residents signed a petition, the community garden could be stopped. Mr. Mortaro presented Council with a signed petition. City Manager Caskie advised him staff would take the request to remove the possibility of locating a community garden at 16th and Buchfinck under advisement.

- A request by Evert Smith to discuss sidewalk snow removal and 24 hour street parking was the next item to come before Council.

Evert Smith, 123 Yellowstone advised Council he was issued a citation for parking his vehicle on a city street for 24 hours. He indicated that the City has had a 24 hour parking ordinance for several years and has never acted on it and asked why after a major snow storm citations were issued instead of in July. Mayor Yeager advised Mr. Smith that staff will be reviewing the ordinance.

- The second reading of Ordinance No. 2638 amending the Alliance Municipal Code at Chapter 9 – Building Regulations was the next item for Council's consideration.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Ordinance No. 2638 on second reading. Deputy City Clerk Wichman read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2638

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 MODIFICATION TO REFLECT THE REORGANIZATION OF THE BUILDING AND ZONING DEPARTMENT TO THE COMMUNITY DEVELOPMENT DEPARTMENT; AND REPEAL 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. The City has reorganized the Building and Zoning Department into the Community Development Department and the Municipal Code needs to reflect that reorganization.

SECTION 5. 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

~~In order to take advantage of progress and change in the construction industry and to clarify certain code provisions and/or to adopt pertinent rules and regulations in the trades involved necessary to promote the safety and health of the public, the City Manager may consult with members of the industry or code conference engineers and effect such reasonable regulations and rules.~~

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.

That a certain document, one (1) copy of which is on file in the office of the Building and Zoning Department of the City of Alliance, Nebraska, being marked and designated as The *International Building Code, 2006 Edition, and any subsequent editions and amendments*, including Appendices 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, 2006 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 103.6. Insert: Present Fee Schedules~~
 Section 1612.3. Insert: City of Alliance, Nebraska
 Section 1612.3. Insert: July 16, 1987
~~Section 3409.2. Insert: January 1, 1955~~
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:
Building:
 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 and driveways that are internal to the property and do not connect to the public sidewalk or public right of way. ~~do not attach to public streets.~~

2. ~~Oil derricks.~~
 3. ~~Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, III A liquids.~~
 4. ~~Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.~~
 5. ~~Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~
 6. ~~Temporary motion picture, television and theater stage sets and scenery.~~
 7. ~~Prefabricated swimming pools accessory to a Group 3 occupancy, as applicable in Section 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.~~
 8. ~~Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.~~
 9. ~~Swings and other playground equipment accessory to one and two family dwellings.~~
 10. ~~Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies.~~
 11. ~~Movable cases, counters and partitions not over 5 feet 9 inches in height.~~
3. ~~Section 1003.2.12.2. Opening Limitations—Open guards shall have balusters or ornamental patterns such that a 4-inch diameter sphere cannot pass through any opening up to a height of 34 inches. From a height of 34 inches to 42 inches above adjacent walking surfaces, a sphere of 8 inches in diameter shall not pass.~~
 4. ~~Section 1003.3.3.3 Additional language: Steps may be 7 5/8 inches for commercial uses.~~
 5. ~~Section 2308.9.3, Tables 2308.9.3 (1-6). Delete "three anchor bolts shall be placed at 1/5 points and tie down device uplift capacity shall not be less than 3,000 pounds" from 2308.9.3.1(2).~~
 36. 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.
 - 4.7. 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. 8. Section 406.1.1. Buildings or parts of building classed as Group U, ~~Division 1~~ 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.

9. ~~Delete Section 112 and all other references to a Board of Appeals referenced in the International Building Code.~~
10. ~~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.~~
11. Section ~~108.7~~ **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.

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|---|--------------------|------------------------------|
| 1. Scheduled inspections outside of normal business hours | \$24.00 | \$30.00 per hour* |
| (Minimum charge 1 hour) | | |
| 2. Fees for repeated reinspections (assessed under the above proposal) | \$24.00 | \$30.00 per hour* |
| 3. For use of outside consultants for plan checking and inspections, or both | | Actual costs** |

* ~~Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~

** ~~Actual costs include administrative and overhead costs.~~

9-202. BUILDING CODE; PERMIT FEES

Building permit fees shall be based upon ~~Uniform the~~ Building Valuation Data and Regional Modifiers compiled by the International ~~Code Council~~ **Code Council** ~~Conference of Building Officials~~, which shall be updated from time to time ~~by resolution of the Mayor and Council~~. The ~~City Engineer~~ **Community Development Director** or his representative which he may designate in writing is authorized to deviate from the ~~Uniform the~~ Building Valuation Data and Regional Modifiers if the applicant for the building permit can provide sufficient proof of building costs acceptable to the ~~City Engineer~~ **Community Development Director** or representative. Said valuation data will be on file in the Office of the ~~City Clerk~~ **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, 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. ~~and all laws or ordinances pertaining to or regulating the activities engaged in.~~

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, 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. 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.

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.

~~9-210. AMENDMENT TO THE UNIFORM BUILDING CODE—FOUNDATION AND FOOTING.~~

~~Residential structures hereafter located in all residential districts except District R-4 Residential Mobile Park, shall include exterior perimeter footing and foundation walls of Portland cement concrete, or concrete masonry unit construction, complying with the Uniform Building Code, as such code may be amended from time to time. Concrete piers, pedestals, and poured pilings may be utilized as an interior footing or foundation support. Wood pilings and wood foundation systems are prohibited for perimeter footings or foundation walls.~~

~~perimeter foundation wall footings shall extend to a minimum depth of 36 inches below finished yard grade, or to undisturbed soil, whichever is deepest. Foundation wall footings shall be a minimum of eight inches in thickness and a minimum of 16 inches in width for structures not over two stories in height.~~

ARTICLE 3

HOUSING CODE

9-301. HOUSING CODE; ADOPTED BY REFERENCE

The International Existing Building Code, 2006 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,

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 Uniform Housing Code, 1985 published by the International Conference of Building Officials, and printed in book or pamphlet form, is hereby incorporated by reference as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska. Three (3) copies of the Housing 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 Housing Code *International Existing Building Code* shall be controlling

throughout the Municipality and throughout its zoning jurisdiction. A copy of the *International Existing Building Code*, 2006 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 amendments or additions are hereby made to the Uniform Housing Code:

- (1) — All references to a Board of Appeals contained in Chapters 12, 13, or 14, of the Uniform Housing Code are hereby deleted, as are any other references within the Uniform Housing Code to a Board of Appeals.

ARTICLE 4

MECHANICAL CODE

9-401. MECHANICAL CODE; ADOPTED BY REFERENCE.

The *International Mechanical Code*, including Appendix A, 2006 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*, 2006 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*, 2006 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.

~~That a certain document, one (1) copy of which is on file and is open for inspection by the public in the office of the Building and Zoning Department of the City of Alliance, Nebraska, being marked and designated as the *International Mechanical Code*, including Appendix A, as published by the International Code Council, be and 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*, 2000 edition, published by the International Code Council, on file in the office of the Building and Zoning Department are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.~~

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.

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:

~~Special Inspection & Reinspection Fees~~

1. ~~Scheduled inspections outside of normal business hours~~ ~~\$24.00~~ ~~\$30.00 per hour*~~
(Minimum charge ~~1 hour~~)
2. ~~Fees for repeated reinspections (assessed under the above)~~ ~~\$24.00~~ ~~\$30.00 per hour*~~
3. ~~For use of outside consultants for plan checking and inspections,~~
~~or both Actual costs**~~

~~* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~

~~**Actual costs include administrative and overhead costs~~

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 ~~100%~~ **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 ~~100%~~ **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.** ~~of not more than two hundred (200) dollars.~~ 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 **of not more than two hundred (200) dollars, 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. ~~Section 306.5. Equipment and appliances on roofs or elevated structures. Where equipment and appliances requiring access are installed on roofs or elevated structures at a height exceeding 16 feet, such access shall be provided by a permanent approved means of access, the extent of which shall extend to no more than 12 feet to the finish grade or floor level to the equipment and appliances' level service space. Such access shall not require climbing over obstructions greater than 30 inches high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33 percent slope).~~
7. ~~Section 51.5.7. (add to existing language) Metal flex duct to exhaust bathroom and laundry rooms is allowed when installed in accordance with 304.1.~~
8. ~~Delete Section 109 and all other references to a Board of Appeals referenced in the International Mechanical Code.~~
9. ~~Generally, all references to the ICC Electrical Code are deleted and substituted therefore is the "National Electric Code, in the version currently adopted by the City of Alliance.~~
6. 10. No permanently installed Liquefied Petroleum Gas (LPG) appliance located totally within a building or structure use 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 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 ~~Building Official~~ **Community Development Department** that ~~who~~ 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 by Municipal Law 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.

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, 2005 **EDITION**; ADOPTED BY REFERENCE

The *National Electrical Code*, 2005 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*, 2005 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.

~~A certain document, one (1) copy of which is on file in the office of the Building and Zoning Department, of the City of Alliance, Nebraska, being marked and designated as the *National Electrical Code*, 2005, as published by the National Fire Protection Association, be and 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*, 2005 edition, published by the National Fire Protection Association on file in the office of the Building and Zoning Department of the City of Alliance, Nebraska, are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.~~

Revisions. The following sections of the National Electrical Code, 2005, 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.

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.

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 ~~has~~ satisfied ~~himself~~ 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 ~~Municipal Building Inspector's Office~~ **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*, 2006 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 permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Plumbing Code*, 2006 Edition, and any subsequent editions and amendments. A copy of the *International Plumbing Code*, 2006 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.

~~A certain document, one (1) copy of which is on file in the office of the Building and Zoning Department, of the City of Alliance, Nebraska, being marked and designated as the *International Plumbing Code*, including Appendices A, C, D, E, F, and G, as published by the International Code Council, be and 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 plumbing 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 Plumbing Code*, 2000 edition, published by the International Code Council on file in the office of the Building and Zoning Department of the City of Alliance, Nebraska, are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.~~

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.

Special Inspection & Reinspection Fees

1. ~~Scheduled inspections outside of normal business hours — \$24.00 — \$30.00 per hour*~~
(Minimum charge — 1 hour)
2. ~~Fees for repeated reinspections (assessed under the above proposal) — \$24.00 — \$30.00 per hour*~~
3. ~~For use of outside consultants for plan checking and inspections, or both — Actual costs**~~

* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

3. Section 106.6.3. Fee Refunds. The code official shall authorize the refunding of fees as follows:
 - a. Not more than ~~100%~~ 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 ~~100%~~ 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.~~ ~~of not more than two hundred (200) dollars.~~ 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 ~~of not more than two hundred (200) dollars,~~ 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.~~

- ~~6. Section 109. Delete all references to a Board of Appeals.~~

- ~~6.~~ 7. Delete references to ICC Electrical Code, and replace with National Electrical Code, version currently adopted by the City of Alliance.

- ~~7.~~ 8. 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.

- ~~9.~~ ~~Section 312.2. (Additional Language) Required pressure test of thirty (30) pounds or less shall be performed with gauges of one pound increments or less. Test gauges shall have a pressure range of not greater than one and one half times the test pressure applied.~~

8. 9. 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. 10. Section 702.3. Delete vitrified clay pipe and asbestos cement pipe.
10. 11. 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. 12. Section ~~401.1~~ 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.** ~~a permitted person except persons in his employ.~~ 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.

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 ~~to the above, and~~ 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 **ed** 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.

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.** ~~not to exceed \$100.00 or imprisonment for not more than 30 days, or by both such fine and imprisonment.~~ 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.** ~~the Governing Body of the City shall designate an acting city manager.~~

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 house~~ 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.
 4. Be accompanied by plans and specifications for proposed construction.
 5. Be signed by the permittee ~~and~~ 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** ~~City Building and Zoning~~ Administrator.

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.
- 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 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.
- 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.

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 runoff 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

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 City Engineer **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*, 2006 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*, 2006 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.

~~In order to provide certain minimum standards, provisions and requirements for energy conservation in building construction, the Model Energy Code, 1986 Edition, published by the Council of American Building Officials with participation of the Building Officials and Code Administrators International, Inc., International Conference of Building Officials, Southern Building Code Congress International, Inc., and National Conference of States on Building Codes and Standards, and printed in book or pamphlet form is hereby adopted and incorporated by reference in the Municipal Code.~~

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.

~~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, there is hereby adopted and incorporated into the Municipal Code by reference, the *Uniform Code for the Abatement of Dangerous Buildings*, 1985 Edition, published in book or pamphlet form by the International Conference of Building Officials. The provisions of this code shall apply to all dangerous buildings, as defined in said code, which are now in existence or which may hereafter become dangerous in the City's jurisdiction.~~

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

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

~~UNIFORM CODE FOR BUILDING CONSERVATION INTERNATIONAL EXISTING BUILDING CODE~~

9-1101. ~~UNIFORM CODE FOR BUILDING CONSERVATION INTERNATIONAL EXISTING BUILDING CODE~~

The *International Existing Building Code*, 2006 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*, 2006 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.

~~In order 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, the Uniform Code for Building Conservation, 1994 edition, published by the International Conference of Building Officials is hereby adopted excepting Section 207 of said code which provides for an advisory and appeals board, and incorporated by reference in the Alliance Municipal Code, to be applicable to all areas of the City's building and zoning jurisdiction, as such jurisdiction may be altered from time to time.~~

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 ~~Uniform~~ *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

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 ~~Engineering~~ **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 ~~City Engineer~~ **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 ~~Building Inspector~~ **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 ~~Building Inspector~~ **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 ~~Building Inspector~~ **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 ~~Building Inspector~~ **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 ~~as provided in Article 13.~~

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.

A permit may be revoked by the ~~Building Inspector~~ **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 ~~Building Inspector~~ **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 ~~Building Inspector~~ **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 Building Inspector **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, 2006 Edition, including Appendices A, B, C, D, E, 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 jurisdiction may be altered from time to time. A copy of the *International Residential Code*, 2006 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.

~~That a certain document, one (1) copy of which is on file in the office of the Building and Zoning or his duly authorized representative Department, of the City of Alliance, Nebraska, being marked and designated as the *International Residential Code*, including Appendices A, B, C, D, E, G, H, I, as published by the International Code Council, be and is hereby adopted as the *International Residential Code* of the City of Alliance, in the State of Nebraska; 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*, 2000 edition, published by the International Code on file in the office of the Building and Zoning Department are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.~~

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):	8090
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:

Building:

- 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, and driveways that are not connected to the public street.
- C. ~~Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, III-A liquids.~~
- D. ~~Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.~~
- E. ~~Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~
- F. ~~Temporary motion picture, television and theater stage sets and scenery.~~
- G. ~~Prefabricated swimming pools accessory to a Group 3 occupancy, as applicable in Section 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.~~
- H. ~~Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.~~
- I. ~~Swings and other playground equipment accessory to one and two family dwellings.~~
- J. ~~window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies.~~
- K. ~~Movable cases, counters and partitions not over 5 feet 9 inches in height.~~

3. ~~Section R316.2 Opening Limitations~~ — Open guards shall have balusters or ornamental patterns such that a 4-inch diameter sphere cannot pass through any opening up to a height of 34 inches. From a height of 34 inches to 42 inches above adjacent walking surfaces, a sphere of 8 inches in diameter shall not pass.
4. ~~Section R314.2. Additional Exception: 7. Steps may be 7 5/8 inches for commercial uses.~~
5. ~~Section R602.10.3; R602.10.6(2). Delete "three anchor bolts shall be placed at 1/5 points and tie down device uplift capacity shall not be less than 3,000 pounds" from 2308.9.3.1(2).~~
3. 6. 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.
4. 7. 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.
8. ~~Section R112.1. Delete all references to a Board of Appeals contained in the Residential Code.~~
5. 3.9. 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. 4. 10. Section R101.1. Insert: City of Alliance, Nebraska
7. 5. 11. 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. 6. 12. 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.

1. ~~Scheduled inspections outside of normal business hours~~ ~~———— \$30.00 \$24.00 per hour*~~
(Minimum charge — 1 hour)
2. ~~Fees for repeated reinspections (assessed under the above proposal)~~ ~~\$30.00 \$24.00 per hour*~~
3. ~~For use of outside consultants for plan checking and inspections, or both~~ ~~———— Actual costs**~~

* ~~Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~

** ~~Actual costs include administrative and overhead costs.~~

ARTICLE 17

INTERNATIONAL PROPERTY MAINTENANCE CODE

9-1701. INTERNATIONAL PROPERTY MAINTENANCE CODE

The International Property Maintenance Code, 2006 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 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.

A copy of the International Property Maintenance Code, 2006 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.

~~That a certain document, one (1) copy of which is on file in the office of the Building and Zoning Department, of the City of Alliance, Nebraska, being marked and designated as the International Property Maintenance Code, as published by the International Code Council, Inc. be and is hereby adopted as the Property Maintenance Code of the City of Alliance, in the State of 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 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.~~

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 103.65 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.

1. Scheduled inspections outside of normal business hours	\$30.00 \$24.00 per hour*
	(Minimum charge 1 hour)
2. Fees for repeated reinspections	\$30.00 \$24.00 per hour*
	(Minimum charge 1/2 hour)
3. For use of outside consultants, inspections, services, equipment, etc.	Actual costs**

~~* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~

~~** Actual costs include administrative and overhead costs.~~

Section 3034.14 Insect screens. During the period from January 1st to December 31st, 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 repellant 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 1st to December 31st to maintain temperature of not less than 65⁶⁸° F (18²⁰°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 1st to December 31st 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.

~~All references to a Board of Appeals are hereby deleted.~~

FUEL GAS CODE

9-1801 FUEL GAS CODE; ADOPTED BY REFERENCE

The International Fuel Gas Code, 2006 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 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, 2006 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.

~~That a certain document, one (1) copy of which is on file in the office of the Building and Zoning Department, of the City of Alliance, Nebraska, being marked and designated as the *International Fuel Gas Code*, as published by the International Code Council, Inc., be and is hereby adopted as the *Fuel Gas Code* of the City of Alliance, in the State of 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 *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, prescribed below.~~

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, 2006 Edition, including Appendices A, B, C, D, E, F, and G, 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*, 2006 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.

~~That a certain document, one (1) copy of which is on file in the office of the Building and Zoning Department, of the City of Alliance, Nebraska, being marked and designated as the *International Fire Code*, including Appendices as published by the International Code Council, Inc., be and is hereby adopted as the code of the City of Alliance, Nebraska, 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*, 2000 edition, published by the International Code Council on file in the office of the Building and Zoning Department of the City of Alliance, Nebraska, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.~~

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. |
| 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 6. 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 7. This ordinance shall be in full force and effect from and after **April 1, 2009** ~~its approval, passage, and publication according to law.~~

Motion by Councilman Benzel, seconded by Councilman Kusek to amend Ordinance No. 2638 by adding the text which has been highlighted in blue.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the second reading of amended Ordinance No. 2638 with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's discussion was the second reading of Ordinance No. 2637 regarding a helmet requirement on All-Terrain Vehicles.

Motion by Councilman Benzel, seconded by Councilman Feldges to approve Ordinance No. 2637 on second reading. Deputy City Clerk Wichman read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2637

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING ARTICLE 3 AT CHAPTER 3, SECTIONS 318, 321, AND 322 RELATING TO ALL-TERRAIN VEHICLES; TO ALLOW PASSENGERS TEN YEARS OF AGE AND OLDER; REQUIRING PASSENGERS UNDER NINETEEN YEARS OF AGE TO WEAR A HELMET; AND CHANGING THE ALLOCATION OF THE CITY CERTIFICATE FEE AND REPEAL 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 Nebraska State Statutes allow cities of the first class to regulate the travel of vehicles on city streets.

SECTION 2. There has been a request that the City of Alliance amend the ordinance that authorized the operation of all-terrain vehicles within the City of Alliance.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended to include the amendments to sections 318, 321, and 322 of Article 3, as follows:

ALL-TERRAIN VEHICLE

3-313. ALL-TERRAIN VEHICLE, DEFINED.

For the purposes of this section, all-terrain vehicle means any motorized off-highway vehicle which is (a) fifty inches or less in width, (b) has a dry weight of nine hundred pounds or less, (c) travels on four or more low-pressure tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (e) has a seat or saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control.

Street or highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

3-314. ALL-TERRAIN VEHICLE, OPERATION.

An all-terrain vehicle may be operated on streets and highways, other than a controlled-access highway with more than two marked traffic lanes, within the corporate limits of the City of Alliance only if the operator and the vehicle comply with the provisions of this Article.

3-315. ALL-TERRAIN VEHICLE, HOURS AND PURPOSE OF OPERATION.

An all-terrain vehicle may be operated only between the hours of sunrise and sunset. It is unlawful to operate an all-terrain vehicle on the City streets and alleys for pleasure. A three wheeled all-terrain vehicle shall not be operated in the City of Alliance.

3-316. ALL-TERRAIN VEHICLE, SPEED.

An all-terrain vehicle shall not be operated at a speed in excess of thirty miles per hour and shall observe posted speed limits if lower than thirty miles per hour.

3-317. ALL-TERRAIN VEHICLE, REQUIREMENTS.

When operating an all-terrain vehicle, the headlight and taillight of the vehicle shall be on. Whenever an all-terrain vehicle is moving all cargo must be securely attached to the vehicle in such a manner that the cargo will remain secured without any assistance of the operator.

3-318. ALL-TERRAIN VEHICLE, EQUIPMENT REQUIRED.

Every all-terrain vehicle shall be equipped with a bicycle safety flag which extends not less than six feet above ground attached to the rear of the vehicle. The safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. Every all-terrain vehicle shall also be equipped with: (1) A brake system maintained in good operating condition; (2) An adequate muffler system in good working condition; and (3) A United States Forest Service qualified spark arrester.

Any person who is under 19 years of age and is a passenger on an all-terrain vehicle in the City of Alliance must wear a Department of Transportation Approved protective helmet or a protective helmet as provided in Neb. Rev. Stat. Sections 60-6,279 and 60-6,280 as amended at any time that the all-terrain vehicle is moving. Said helmet shall be secured properly on his or her head with a chin strap while the vehicle is in motion.

3-319. ALL-TERRAIN VEHICLE, MODIFICATIONS, PROHIBITED.

No person shall: (1) Equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device; (2) Operate an all-terrain vehicle with an exhaust system so modified; or (3) Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

3-320. ALL-TERRAIN VEHICLE, COMPETITIVE EVENTS; EXEMPTIONS.

All-terrain vehicles participating in competitive events may be exempted from Section 3-319 (Modification Prohibited).

3-321. ALL-TERRAIN VEHICLE, PERSONS AUTHORIZED.

Any person operating an all-terrain vehicle shall be 19 years of age and have a valid Class O operator's license as provided in Neb. Rev. Stat. 60-4,126. ~~No one shall be permitted to be a passenger on an all-terrain vehicle within the City of Alliance.~~ No one under 10 years of age shall be permitted to be a passenger on an all-terrain vehicle within the City of Alliance. No passenger is permitted to ride on an all-terrain vehicle unless the all-terrain vehicle has a seat specifically designed by the manufacturer of the all-terrain vehicle for both the driver and the passenger. No person shall be permitted to ride, be pulled, pushed or propelled by an all-terrain vehicle or on any object attached to the all-terrain vehicle.

3-322. ALL-TERRAIN VEHICLE, INSURANCE REQUIRED.

Any person operating an all-terrain vehicle shall have liability insurance coverage for the all-terrain vehicle while operating the all-terrain vehicle on a street or highway. The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

It shall be unlawful for any person to operate any all-terrain vehicle on the city streets or alleys in Alliance until the owner has demonstrated proof of insurance to the Alliance Police Department and obtained a insurance decal for the current year. The Alliance Police Department will issue a decal for the current year that must be affixed to the all-terrain vehicle in a conspicuous place. The City will charge a fee of twenty-five (\$25.00) dollars for the issuance of the permit.

The Certificate shall be an annual permit from January 1 through December 31 of each year. The operator shall have until May first of the following year to re-new the certificate. During the first year that a certificate is purchased the fee will be prorated from the month that the certificate is obtained through December at two dollars per month and a one dollar administrative fee.

Any permit purchased by a person for the same ATV in a subsequent year shall not be prorated.

3-323. ALL-TERRAIN VEHICLE, OPERATION WITHOUT COMPLYING.

All-terrain vehicles may be operated without complying with Sections 3-315 (Hours), 3-316 (Speed), 3-318 (Equipment Required), 3-321 (Persons Authorized), and 3-322 (Insurance Required) of this Article, on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

3-324. ALL-TERRAIN VEHICLE, OPERATION NOT PERMITTED.

An all-terrain vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted.

An all-terrain vehicle shall not be operated on the following streets in the City of Alliance, Box Butte Avenue between 1st Street to 16th Street, and 3rd Street. Provided that the crossing of these streets and avenues shall be permitted by an all-terrain vehicle if:

- (a) The crossing is made at an angle of approximately ninety degrees to the direction of the street or avenue and at a place where no obstruction prevents a quick and safe crossing;
- (b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or avenue;
- (c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- (d) The crossing is made only at an intersection of such street or avenue with another street or avenue; and
- (e) Both the headlight and taillight of the vehicle are on when the crossing is made.

3-325. ALL-TERRAIN VEHICLE, CROSSING OF A HIGHWAY.

Subject to Section 3-324 (Operation Not Permitted) the crossing of a highway shall be permitted by an all-terrain vehicle without complying with Sections 3-315 (Hours), 3-316 (Speed), 3-318 (Equipment Required), 3-321 (Persons Authorized), and 3-322 (Insurance Required) of this Article only if:

- (a) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
- (b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
- (c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- (d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
- (e) Both the headlight and taillight of the vehicle are on when the crossing is made.

3-326. ALL-TERRAIN VEHICLE.

All-terrain vehicles may be operated outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of Sections 3-315 (Hours), 3-316 (Speed), and 3-318 (Equipment Required) of this section, except that the operation of the vehicle pursuant to this subsection need not be limited to the hours between sunrise and sunset.

3-327. ALL-TERRAIN VEHICLE, ACCIDENT, REPORT REQUIRED.

If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699.

3-328. ALL-TERRAIN VEHICLE, VIOLATIONS, PENALTY.

Any person who violates sections 3-313 to 3-327 shall be guilty of a misdemeanor and shall be subject to the penal provisions of 12-101.

Any violation of any other provision of the Alliance Municipal Code or the State of Nebraska Rules of the Road under Nebraska Revised Statutes in Chapter 60 may be punished under the penalty provisions of such chapter.

3-329 ALL-TERRAIN VEHICLE DEFINED AS A MOTOR VEHICLE

Every All Terrain Vehicle (ATV) as defined by the Statutes of Nebraska or the Alliance Municipal Code, which are operated within the jurisdiction of the City of Alliance, are hereby declared to be a motor vehicle and subject to all of the motor vehicle Rules of the Road and traffic laws as defined in either the Nebraska State Statutes or the Alliance Municipal Code.

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

SECTION 6. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to amend Ordinance No. 2637 by deleting the highlighted text in Section 3-318 mandating helmet usage by a passenger under the age of 19 on an All Terrain Vehicle.

Roll call vote on the amendment with the following results:

Voting Aye: Yeager, Rowley, Benzel.

Voting Nay: Kusek, Feldges.

Motion carried.

Motion by Mayor Yeager, seconded by Councilman Benzel to amend Ordinance No. 2637, Section 3-321 to read, "Any person operating an all-terrain vehicle shall be 19 years of age and have a valid Class O operator's license as provided in Neb. Rev. Stat. 60-4,126. No one shall be permitted to be a passenger on an all-terrain vehicle within the City of Alliance. No person shall be permitted to ride, be pulled, pushed or propelled by an all-terrain vehicle or on any object attached to the all-terrain vehicle."

Roll call vote on the amendment with the following results:

Voting Aye: Yeager, Rowley, Benzel.

Voting Nay: Kusek, Feldges.

Motion carried.

Roll call vote on the second reading of Ordinance No. 2637 as amended with the following results:

Voting Aye: Yeager, Rowley, Benzel.

Voting Nay: Kusek, Feldges.

Motion carried.

- Ordinance No. 2636 amending the Municipal Code to prohibit parking on the east side of the 400 block of Niobrara from the north line of 4th Street to a point 87' north between the hours of 6:00 p.m. to 6:00 a.m. was the next item for Council's consideration.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Ordinance No. 2636 on third reading. Deputy City Clerk Wichman read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2636

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 203, ARTICLE 2 AT CHAPTER 3, RELATING TO PARKING REGULATIONS: LIMITED TIME PARKING IN DESIGNATED PLACES; 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 established parking prohibitions to facilitate the flow of traffic on streets in the City of Alliance.

SECTION 2. The City of Alliance, to make transportation of the United States Mail more convenient for the United States Postal Service has been requested to make changes to the parking regulations.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended at Article 2, Section 3-203 as follows:

3-203. PARKING REGULATIONS: LIMITED TIME PARKING IN DESIGNATED PLACES

No person shall park a vehicle for a period of time longer than twelve minutes at any time from Monday through Friday of any week between the hours of eight o'clock a.m., and six o'clock p.m., and between the hours of eight o'clock a.m. and nine o'clock p.m. on Saturdays, holidays excepted (a) the posted area in front of the U. S. Post Office building located on the northeast corner on Box Butte Avenue and Fourth Street; and (b) no vehicle shall be parked more than two hours on the following described streets:

Box Butte Avenue from the north line of First Street to the south line of Sixth Street;

Laramie Avenue from the north line of Third Street to the north line of Fourth Street;

Third Street from the west line of Niobrara Avenue to the east line of Cheyenne Avenue;

Fourth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;

Fifth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;

Laramie Avenue north of Fourth Street for two parking spaces on the east side of the street and three parking spaces on the west side of the street.

No person shall park a vehicle for a period of time longer than 15 minutes, or 30 minutes, in a parking space or spaces in the municipal parking lot located southwest of the Library/Learning Center, Lot 1, Block 1, Library/Attendance Center Addition, which time-limited spaces are plainly marked, painted on the curb or posted.

No person shall park a vehicle for a period of time longer than 15 minutes in a parking space, or spaces, on Box Butte Avenue, which time-limited spaces are plainly marked, painted on the curb, or posted.

No person shall park a vehicle between the hours of 6:00 p.m. to 6:00 a.m. on the east side of the 400 block of Niobrara Avenue from the north line of Fourth Street to a point 87 feet north of the north line of Fourth Street in the parking space or spaces which are plainly marked, painted on the curb, or posted.

SECTION 4. 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 5. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote to approve Ordinance No. 2636 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2636 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- A Public Hearing approving the Class I Liquor License Application of Moe, Inc. dba Wonderful Kitchen was the next item on the agenda. Mayor Yeager declared, "Now is the date, time and place to conduct a Public Hearing on the Class I Liquor License Application of Moe, Inc. dba Wonderful Kitchen." The public hearing opened at 7:54 p.m. Moe Gu Hy, 558 Missouri, Apartment 2 addressed Council introducing he and his wife as the new owners of the

Wonderful Kitchen. Hearing no further testimony, Mayor Yeager closed the public hearing at 7:57 p.m.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 09-13 approving the Class I Liquor License Application of Moe, Inc. dba Wonderful Kitchen which follows in its entirety:

RESOLUTION NO. 09-13

WHEREAS, The City of Alliance has received a notice and copy of an application for a Retail Class I Liquor license submitted by MOE Inc., dba Wonderful Kitchen; and

WHEREAS, The Alliance City Council has held a public hearing as provided for by law within forty-five days after the date of receipt of the notice from the Nebraska Liquor Control Commission with the application; and

WHEREAS, Notice of such hearing was given as provided by law; and

WHEREAS, At such hearing, evidence was received by the Council bearing upon the propriety of the issuance of such license; and

WHEREAS, The cost of published notice for the application is \$8.83.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the City Council does recommend the issuance of a Retail Class I Liquor License to MOE Inc., dba Wonderful Kitchen, to be located at 930 West Third Street, in Alliance, Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's discussion was Resolution No. 09-14 approving a contract with Musco Sports Lighting, LLC in the amount of \$115,000 for all equipment to provide new field lighting for Bower Ball Field.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 09-14 which follows in its entirety:

RESOLUTION NO. 09-14

WHEREAS, The City of Alliance is responsible for maintaining the public facilities within the City; and

WHEREAS, The City has determined that lighting at the Bower Ball Field needs to be replaced; and

WHEREAS, The City of Alliance has engaged in a competitive bidding procedure to obtain bids for the Bower Field Sports Lighting; and

WHEREAS, Two (2) Invitations were issued, and one (1) response was received; and

WHEREAS, The bid of Musco Sports Lighting, LLC, of Muscatine, Iowa , in the amount of One Hundred Fifteen Thousand and No/100ths Dollars, (\$115,000.00) is the lowest, responsive, and responsible bid.

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to enter into a contract for the Bower Field Sports Lighting with Musco Sports Lighting, LLC, of Muscatine, Iowa , under the Bid Form received by the City of Alliance.

BE IT FURTHER RESOLVED, that the contract for the Bower Field Sports Lighting as specifically set forth in the bidding documents, is hereby awarded to Musco Sports Lighting, LLC, of Muscatine, Iowa , in the amount of One Hundred Fifteen Thousand and No/100ths Dollars, (\$115,000.00).

BE IT FURTHER RESOLVED, Staff shall contact the successful bidders so that contractual arrangements can be finalized, and work can commence according to the terms of the bid.

Electric Superintendent Larry Heinrich explained that his department will need to remove the old wood poles and lighting, trench to the new poles and install a pad mount transformer. The system contains the capability of turning the lights on and off remotely by the manufacturer.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's discussion was Resolution No. 09-15 approving a contract with Midlands Contracting to rehabilitate approximately 2,120 feet of 8 inch sewer main in an amount not to exceed \$64,000 and grant authority to the project manager to approve "in-field" change orders in an amount not to exceed 5 percent of the contract amount.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Resolution No. 09-15 which follows in its entirety:

RESOLUTION NO. 09-15

WHEREAS, The City of Alliance is responsible for the maintenance of the City sewer mains in the City of Alliance; and

WHEREAS, Staff has determined that approximately Two Thousand One Hundred and Twenty Feet (2,120') of eight inch sewer main should be rehabilitated; and

WHEREAS, Thirteen (13) Invitations were issued, and four (4) responses were received; and

WHEREAS, The bid of Midlands Contracting, Inc., a Nebraska Corporation located in Kearney, Nebraska appears to be the lowest, responsive, and responsible bid.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, the Mayor is authorized to enter into a contract with Midlands Contracting, Inc., of Kearney, Nebraska to rehabilitate approximately Two Thousand One Hundred and Twenty Feet (2,120') of eight inch sewer main in an amount not to exceed Sixty Four Thousand and No/100ths Dollars (\$64,000.00) subject to terms and conditions of the bid.

BE IT FURTHER RESOLVED, that the Sewer Superintendent is authorized to make field change orders not to exceed five percent (5%) of the total contract amount without further Council approval.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that land can be possessed by the successful bidder according to the bid specifications.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 09-16 approving a contract with Mr. Larry Leisy to lease approximately 505 acres of sewer lagoon property at \$11,100 annually for a period of 10 years was the next item to be discussed by Council.

Motion by Councilman Benzel, seconded by Councilman Feldges to approve Resolution No. 09-16 which follows in its entirety:

RESOLUTION NO. 09-16

WHEREAS, The City of Alliance has authorized competitive quotes to obtain bids for the lease of 240 acres of irrigated land and 265 acres of dryland for a total of 505 acres of sewer lagoon property; and

WHEREAS, Eight (8) Invitations were issued, and six (6) responses were received; and

WHEREAS, The bid of Larry Leisy of Ellsworth, Nebraska appears to be the highest, responsive, and responsible bid in an amount of Eleven Thousand One Hundred and No/100ths (\$11,100.00) Dollars annually for a period of ten (10) years.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, the Mayor is authorized to enter into a contract to lease the 505 acres of sewer lagoon property to Larry Leisy for Eleven Thousand One Hundred and No/100ths (\$11,100.00) Dollars annually for a period of ten (10) years subject to terms and conditions of the bid and the lease that has been prepared.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that land can be possessed by the successful bidder according to the bid specifications.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 09-17 approving the use of funds received from the sale of earth to the Veteran's Cemetery for additional airport terminal improvements.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 09-17 which follows in its entirety:

RESOLUTION NO. 09-17

WHEREAS, The City of Alliance, maintains Alliance Municipal Airport; and

WHEREAS, Staff has determined that additional funds are necessary for improvements to the airport lobby and restrooms; and

WHEREAS, Staff desires to utilize funds from the Airport Fund Balance and to replenish those funds from the sale of dirt to Koozer Construction, Inc.; and

WHEREAS, The Staff has requested Alliance Municipal Airport Fund Balance in the amount of Forty Seven Thousand and NO/100 Dollars (\$47,000.00) be transferred to Airport Capital Outlay Building and Structures to fund the improvement expenses; and

WHEREAS, the Alliance Municipal Airport has funds available in the Airport Fund Balance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Forty Seven Thousand and NO/100 Dollars (\$47,000.00) be transferred to Airport Capital Outlay Building and Structures to fund the improvement expenses.

BE IT FURTHER RESOLVED that the City Treasurer shall transfer Forty Seven Thousand and NO/100 Dollars (\$47,000.00) from the Airport Fund Balance to the Airport Capital Outlay Building and Structures.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 09-18 approving the purchase of a Double Bucket Truck from Layton Truck Equipment Company of Aurora, CO under a GSA Contract Number GS-30F-1024H in the amount of \$176,447.00 was the next item for Council's discussion.

Motion by Mayor Yeager, seconded by Councilman Benzel to approve Resolution No. 09-18 which follows in its entirety:

RESOLUTION NO. 09-18

WHEREAS, The City of Alliance Electric Department had on their capital improvements plan the purchase of double bucket truck; and

WHEREAS, The General Services Administration (GSA) of the Federal Government has sought bids and obtained a contract for the purchases of 2009 Double Bucket Trucks; and

WHEREAS, The City of Alliance contacted the vendor and the vendor advised that local governments were able to purchase under the Federal Government Contract; and

WHEREAS, The Electric Superintendent obtained a quote based on the GSA contract price with the additional options that the City desired and has determined that the price under the GSA contract is significantly better than if the truck was purchased on the open market; and

WHEREAS, The quote under the GSA contract with the options that the City of Alliance requested was One Hundred Seventy Six Thousand Four Hundred Forty Seven and No/100ths Dollars (\$176,447.00); and

WHEREAS, The Alliance Electric Department has the funds budgeted for 2008-2009 and allocated in 2009-2010 and requests that Council approve the purchased of a 2009 Double Bucket Truck as set forth in the quote from Layton Truck Equipment Co, of Aurora, Colorado.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that City Manager Pamela S. Caskie be and hereby is authorized to enter into a contract for the purchase of a 2009 Double Bucket Truck from Layton Truck Equipment Co, of Aurora, Colorado under GSA contract number GS-30F-1024H in the amount of One Hundred Seventy Six Thousand Four Hundred Forty Seven and No/100ths Dollars (\$176,447.00).

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 09-19 approving changes in the Policies and Procedures of the Alliance Public Library.

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 09-19 which follows in its entirety:

RESOLUTION NO. 09-19

WHEREAS, The Alliance Public Library Advisory Board recommended revising certain Library Policies and Procedures; and

WHEREAS, The proposed policy revisions have been prepared and reviewed by library and the legal staff; and

WHEREAS, The proposed revisions to the Alliance Public Library Policies and Procedures provide for in Section N HOURS Subsection 1 The library will be open to serve the public as follows::

September – May

Monday –Thursday

Friday & Saturday

Sunday

8:00 a.m. – 8:00 p.m.

10:00 a.m. – 5:00 p.m.

1:00 p.m. – 4:00 p.m.

June - August

Monday, Tuesday & –Thursday	8:00 a.m. – 6:00 p.m.
Wednesday	8:00 a.m. – 8:00 p.m.
Friday & Saturday	10:00 a.m. – 5:00 p.m.
Sunday	Closed

and

WHEREAS, City Council has reviewed the proposed changed to the Policies and Procedure and finds them appropriate for the needs of the Library.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Alliance Public Library Policies and Procedures as revised, set forth herein, are hereby approved, and adopted effective 1st day of March, 2009 as the City of Alliance Public Library Policies and Procedures.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 09-20 accepting a \$6,000 donation from the Sallows Military Museum Allies to fund the hiring of a part-time Sallows Military Museum staff member for Fiscal Year 2008-2009.

Motion by Councilwoman Rowley, seconded by Councilman Feldges to approve Resolution No. 09-20 which follows in its entirety:

RESOLUTION NO. 09-20

WHEREAS, The City Council has received a request to hire a part-time coordinator at the Sallows Military Museum; and

WHEREAS, The Sallows Military Museum Foundation, Inc. has offered to fund the part-time coordinator position in an amount of Six Thousand and No/100ths Dollars (\$6,000.00) annually; and

WHEREAS, the City Council finds that it is in the public’s best interest and consistent with the Military Museum area of the Central Park to have the Sallows Military Museum to be open at regularly scheduled dates and times.

WHEREAS, the City Council finds that it is in the public's best interest and consistent with the Sallows Military Museum to have a part-time coordinator and that the Sallows Military Museum Foundation, Inc. generous offer to fund the position is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign an Agreement with the Sallows Military Museum Foundation, Inc. for the City to hire a part-time coordinator.

BE IT FURTHER RESOLVED that the position will be funded by the Sallows Military Museum Foundation, Inc.

BE IT FURTHER RESOLVED that Staff is directed to commence the hiring process and to receive the funds supplied by the Sallows Military Museum Foundation, Inc.

Mr. Ted Hempel, 1311 Buchfinck addressed Council representing the Sallows Military Museum Allies. He advised Council that the museum has received a large amount of publicity and needs to be open for patrons. The Allies has several volunteers to greet visitors, however they are in need of a scheduling coordinator and supervisor. Councilman Kusek expressed his concern regarding available funding from the Allies for both the part-time coordinator as well as the transportation and installation of the decommissioned tank outside the museum.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's discussion was Resolution No. 09-21 authorizing the use of \$7,500 of Community Betterment Funds to assist the Sallows Military Museum Foundation, Inc. in the transportation and installation of a decommissioned tank to be placed near the Sallows Military Museum.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 09-21 which follows in its entirety:

RESOLUTION NO. 09-21

WHEREAS, The City Council has received a request to assist the Sallows Military Museum Foundation, Inc. in providing funds to help pay for the transportation and installation of a military tank near the Sallows Military Museum; and

WHEREAS, The City Council finds that it is in the public's best interest and consistent with the Military Museum to have a decommissioned tank on display; and

WHEREAS, The City of Alliance has Community Betterment Funds available, and the use of Community Betterment Funds is appropriate for this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City of Alliance will provide an amount not to exceed Seven Thousand Five Hundred and No/100 Dollars (\$7,500.00) towards the transportation and installation of a decommissioned tank to be placed near the Sallows Military Museum in Alliance, Nebraska.

BE IT FURTHER RESOLVED that this expenditure will come out of the Community Betterment Funds.

Councilman Kusek advised Council in 2006 the Sallows Military Museum Allies approached Council about the possibility of placing a decommissioned tank on static display at the museum. At that time, the Allies accepted the responsibility of the transportation of the tank as well as the cost for the placement of a concrete pad for the tank.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Benzel, Feldges.

Voting Nay: Kusek.

Motion carried.

- Resolution No. 09-22 authorizing City Manager Pamela S. Caskie to execute an Option to Purchase real estate for the purpose of drilling a test well was the next item to be presented to Council.

Motion by Councilman Feldges, seconded by Councilman Benzel to approve Resolution No. 09-22 which follows in its entirety:

RESOLUTION NO. 09-22

WHEREAS, The City of Alliance operates the Alliance Municipal Water System; and

WHEREAS, One of the City's wells had to be removed from production; and

WHEREAS, The City has been drilling test wells to drill a new well or wells so that the City could restore the water productions levels in the City of Alliance; and

WHEREAS, The results of the test wells have been unsatisfactory; and

WHEREAS, The City is looking to drill water wells in the City of Alliance; and

WHEREAS, The City has been advised that there is a parcel of property which is for sale under reasonable terms and conditions; and

WHEREAS, The Sellers of the property are willing to enter into an Option to Purchase to authorize the City to determine whether or not the property is sufficient for their use as a location of a water well; and

WHEREAS, An Option to Purchase has been drafted and is presented to Council for its approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that City of Alliance, Nebraska, that Pamela S. Caskie is authorized to execute an Option to Purchase real estate described as the West 126 feet of the South 95 feet of Tract 27, First Addition to Duncan's North Side Residence Tracts, an Addition to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof, under the terms as set forth in the Option to Purchase which is incorporated herein by reference;

BE IT FURTHER RESOLVED that after the Option to Purchase has been completed that Pamela S. Caskie is authorized to sign documents necessary for the engineering, design and drilling of a test well on these premises.

City Manager Caskie explained that the property owners would be paid \$1000.00 for the use of the land to drill a test well. If the test well is acceptable, the property would then be purchased by the City to drill a permanent well.

Roll call vote with the following results:

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

- The next item for Council's discussion was Resolution No. 09-23 awarding the bid to Infinity Construction, Inc. of Scottsbluff, NE for the demolition of the old swimming pool located at 125 West 16th Street in the amount of \$36,800 with field changes order for a total contract limit of \$40,480.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 09-23 which follows in its entirety:

RESOLUTION NO. 09-23

WHEREAS, The City of Alliance has stopped using the pool located 125 West 16th Street; and

WHEREAS, The City has determined that the main pool basin, the smaller pool basin and the concrete decking around the pool basins should be demolished; and

WHEREAS, The City of Alliance has authorized competitive quotes to obtain bids for demolition of the pool basins and the decking of the old swimming pool pursuant to bid number 2130-09-01; and

WHEREAS, Seven (7) Invitations were issued, and Five (5) responses were received; and

WHEREAS, The bid of Infinity Construction, Inc., a Nebraska Corporation, of Scottsbluff, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of \$36,800.00; and

WHEREAS, The City had budgeted for the demolition of the old swimming pool and the bid is under the budgeted amount.

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and City Council of Alliance, Nebraska, the contract for bid number 2130-09-01 is hereby awarded to Infinity Construction, Inc., of Scottsbluff, Nebraska in the amount of Thirty Six Thousand, Eight Hundred No/100ths Dollars (\$36,800.00).

BE IT FURTHER RESOLVED, that the Public Facilities Director is authorized to make field change orders not to exceed ten percent (10%) of the total contract amount without further Council approval.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that the successful bidder can commence demolition according to the bid specifications.

Public Facilities Director Eric Lenz explained the decking will be removed first which will provide adequate clearance for the excavation process of the pool basin without interfering with the bathhouse. The disposal cost of the basin material that contains rebar is not included in the bid price.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Feldges.

Voting Nay: Benzel.

Motion carried.

- A board appointment was the next item on Council's agenda.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to appoint Alan Cornish to the Golf Course Advisory Board for a term ending December, 2011.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- By consensus, information regarding the Comprehensive Plan will be distributed to the City Council members prior to the Alliance Planning Commission on March 10, 2009. There will be no special meeting advertised as several Council members are unable to attend the Planning Commission meeting.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:40 p.m.”

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk