

Chapter 9

BUILDING REGULATIONS

Article 1. Building Inspector

§9-101 BUILDING INSPECTOR; POWER AND AUTHORITY:

The Building Inspector shall be the Municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall inspect all buildings repaired, altered, built, or moved in the Municipality as often as necessary to insure compliance with all Municipal ordinances. He shall have the power and authority to order at the direction of the Governing Body, all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He shall at the direction of the Governing Body, issue permission to continue any construction, alteration, or relocation when the Governing Body is satisfied that no provision will be violated.

§9-102 BUILDING INSPECTOR; RIGHT OF ENTRY:

It shall be unlawful for any person to refuse to allow the Building Inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place for the purpose of making official inspections at any reasonable hour.

Article 2. Building Permits

§9-201 BUILDING PERMITS:

A. Building Permits Required.

No building or other structure, or any fence or porch shall be erected, moved, added to, or dimensionally altered without a building permit issued by the Zoning Administrator. All applications for a building permit shall be reviewed by the Zoning Administrator and by the Chairperson of the Planning Commission or another member of the Planning Commission designated by the Chairperson. A building permit shall be issued only after a finding that the application conforms to this Zoning ordinance. The Zoning Administrator and the Chairperson of the Planning Commission shall both sign the building permit.

B. Application for Building Permit.

1. All applications for building permits shall include one set of plans, if applicable, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

2. The original plan document and one copy of the building permit application shall be retained by the Zoning Administrator, after he/she has marked such copy either as approved or disapproved and attested to it by his/her signature on such copy. The Zoning Administrator shall return a copy of the building permit application, similarly marked, to the applicant. (*Ref. 17-130 - 17-132, 17-550, 17-1001 RS Neb*) (*Amended by Ord 399, 1/10/77; Ord 986, 5/26/2020*)

§9-202 BUILDING PERMIT; LIMITATION:

Expiration of Building Permit.

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; the Zoning Administrator shall cancel it; and written notice thereof shall be given to the persons affected.

2. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

3. The expiration date of a building permit may be established for the City issues a period longer than two years if established at the time that such permit. The Zoning Administrator may, at his/her discretion extend the expiration period of the building permit. (*Amended by Ord 987, 5/26/2020*)

§9-203 BUILDING PERMITS; DUPLICATE TO COUNTY ASSESSOR:

Whenever a building permit is issued for the erection, alteration or repair, of any building within the City's Corporate Limits or Extraterritorial Jurisdiction, if the improvement is two thousand five hundred dollars (\$2,500.00) or more, a duplicate of such permit shall be issued to the County Assessor. *(Ref. 18-1743 RS Neb) (Ord 434, 10/22/79) (Amended by Ord 806, 3/8/04; 1027, 7/25/2022)*

Article 3. Building Code

§9-301 ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION:

(1) Except as herein after provided by specific amendment, the following publications are hereby adopted, incorporated and made a part of this Code the same as though spread at large herein:

(a) International Property Maintenance Code, 2021 Edition, published by the International Code Council.

(2) One (1) printed copy of each publication described above has been filed in the office of the City Clerk for the use and examination of the public.

(Amended by Ord 852, 9/24/07; Ord 1032, 8/22/22)

§9-302 ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION:

Sections 101.3, 102.3, 103.5, 104, 110.3, 113 and 602.3 of the International Property Maintenance Code, 2021 edition, are amended to read as follows:

- (1) Section 101.3 Purpose. This purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.
- (2) Section 102.3. Application of other codes. Repairs, additions, or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.
- (3) Section 103.5. Permit, Requirements, and Fees is no longer in that section. Any person intending to wreck or demolish any building or house shall, before proceeding with such wrecking or demolition of any such structure in the city, secure a permit to do so from the code official.
- (4) Section 104.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established by the applicable governing authority.
- (5) Section 104.2 Refunds. The *code official* is authorized to establish a refund policy.

- (6) Section 110.3 Failure to comply changed to Section 113.3. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be transmitted to the governing body of the City of Pawnee City which is authorized to bill the property owner or occupant, or shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (7) 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 an approved heating source during the period from September 1st to May 31st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1 C) a minimum temperature of 65°F (18°C) shall be maintained.

(Amended by Ord 852, 9/24/07; Ord 1032, 8/22/22)

Article 4. Housing Code

§9-401 HOUSING CODE; ADOPTED BY REFERENCE: *(Repealed by Ord 852, 9/24/07)*

Article 5. Plumbing Code

§9-501 PLUMBING CODE; ADOPTED BY REFERENCE: *(Repealed by Ord 852, 9/24/07)*

§9-502 PLUMBING CODE; BUILDING REGULATIONS; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX:

Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free.

For purposes of this section, lead free shall mean:

- (1) Solders and flux - not more than two-tenths percent (.2%) lead, and
- (2) Pipe and pipe fittings - not more than eight percent (8%) lead.

(Ref. 71-5301 RS Neb) (Ord 553, 9/26/88)

[Editor's Note: Sections 9-503 through 9-515 were adopted
in their entirety by Ord 593, 6/14/93]

§9-503 MUNICIPAL WATER DEPARTMENT; BACKFLOW/ BACKSIPHONAGE PREVENTION; STATEMENT OF PURPOSE:

The City hereby finds that backflow and backsiphonage from potential hazards outlined in Title 179, Nebraska Department of Health, into the public water distribution and supply system could present a danger to the public health and safety. In the interest of public health and safety, the City hereby adopts the following backflow and backsiphonage prevention program, and cross-connection control program.

§9-504 MUNICIPAL WATER DEPARTMENT; BACKFLOW/ BACKSIPHONAGE PREVENTION; DEFINITIONS:

For the purposes of sections 9-503 - 9-515, the following terms shall mean:

AIR GAP: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptor.

BACKFLOW: The undesirable reversal of flow in a potable water distribution system as a result of a cross connection.

BACKFLOW PREVENTER: An assembly or means that prohibits the backflow of water into the potable water supply.

BACKSIPHONAGE: Backflow caused by negative or reduced pressure in the supply piping.

CROSS CONNECTION. Any physical arrangement whereby a potable water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, tank, pump, plumbing fixture, heat exchanger, or other mechanical equipment or device which contains, or may contain, contaminated water, sewage or other waste, liquid or gas of unknown or unsafe quality which may be capable of imparting contamination or pollution to the potable water supply as a result of backflow (due to either backpressure or backsiphonage). Bypass arrangements, jumper connections, hose connections, removable spools, swivel or changeover devices, four-way valve connections and other temporary or permanent devices through which, or because of which, backflow (or backsiphonage) could occur are considered to be cross connections. Protecting a public water supply system against potential contamination from cross connections is possible by containment and/or isolation.

DOUBLE CHECK-VALVE ASSEMBLY: A backflow prevention device consisting of two independently acting check valves, internally force loaded to a normally closed position between two tightly closing shut-off valves, and with means for testing for tightness.

DRINKING WATER STANDARDS. The rules and regulations adopted pursuant to Neb Rev. Stat. 71-5302 (Reissue 1990), which establish maximum levels for harmful materials which, in the judgment of the Director, may have an adverse effect on the health of persons and which apply only to public water supply systems.

DUAL CHECK VALVES. A backflow prevention device consisting of two independent check valves. Checks being removable for testing.

PRESSURE VACUUM BREAKER ASSEMBLY (BACKSIPHONAGE PREVENTER): Used as a protection for direct or indirect water connections to all types of polluted or contaminated liquids where the preventer is not subjected to backpressure. This device may be installed for use under continuous line pressure.

REDUCED-PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY (BACKFLOW PREVENTER): Used as protection for direct or indirect water connections where the device may be subject to backpressures from toxic chemicals, sewage, or other lethal substances.

TOXIC SUBSTANCE: Any substance (liquid, solid, or gaseous), including raw sewage and lethal substances, which when introduced into the water supply system creates or may create a danger to the health and well-being of the consumer.

§9-505 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; CUSTOMER INSTALLATION REQUIRED:

A customer of the Municipal Water Department may be required by the Utilities Superintendent to install and maintain a properly located backflow prevention device at his/her expense appropriate to the potential hazards set forth in Title 179, Nebraska Department of Health, and approved by the Utilities Superintendent.

§9-506 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; UNLAWFUL CONNECTIONS; NEW INSTALLATIONS AND REPAIRS:

No installation or repair within the water distribution system, including the customer's water distribution system, shall be made in such a manner:

- 1) That a cross-connection shall exist; or,
- 2) That it will be possible in any manner to allow the flow of any water or other liquids, mixtures, or substances into the water supply system other than the intended water, liquids, mixtures, or substances of the public water supply system; or,
- 3) That it will be possible in any manner to allow the flowing back of water or other liquids, mixtures, or substances into the water supply system due to negative pressure in the water distribution system.

§9-507 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; PREVENTION DEVICES REQUIRED:

The customer shall make application to the Utilities Superintendent to install a required backflow prevention device on a form provided by the Municipality. The application shall contain at a minimum the name and address of the applicant, the type of potential hazard required, protection, and the type of backflow device to be installed including brand and model number.

The Utilities Superintendent shall approve or disapproved the application based on his/her opinion of whether such installation will protect the Municipal Water Distribution System from potential backflow and backsiphonage hazards.

The installation of the device shall be subject to all other sections of this code dealing with installation of plumbing, including the use of a plumber licensed by the Municipality if applicable.

A backflow or backsiphonage prevention device approved by the Utilities Superintendent shall be installed at the customer's expense in the customer service pipe when any of the following conditions are found by the Superintendent:

- 1) Premises having an auxiliary water supply;
- 2) Premises in which, in the opinion of the Superintendent, substances are handled in a manner as to create an actual or potential hazard to the public water supply;
- 3) Premises having existing or potential internal cross connections;
- 4) Premises where, in the opinion of the Superintendent, it is impossible or impractical to make a complete cross connection premises survey;
- 5) Premises having more than one (1) customer service pipe.

§9-508 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; PREVENTION DEVICES; MINIMUM PROTECTION:

When backflow or backsiphonage prevention devices are required by sections 9-503 through 9-515, the prevention devices shall provide a minimum level of protection as provided below:

Direct or Indirect Potable Water Connections	Hazard	
	High	Low
<p>I. Subject to Back Pressure</p> <p>A. Pumps, tanks & lines handling:</p> <ol style="list-style-type: none"> 1. Sewage 2. Toxic substances 3. Nontoxic substances <p>B. Water connection to steam and steam boiler:</p> <ol style="list-style-type: none"> 1. Boiler or steam connection to toxic substances 2. Boiler or steam connection nontoxic substances (boiler blowoff through air gap) 	<p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p>
<p>II. Not Subject to Back Pressure</p> <p>A. Sewer-connected water line (not subject to waste stoppages)</p> <p>B. Low inlets to receptacles containing:</p> <ol style="list-style-type: none"> 1. Toxic substances 2. Nontoxic substances <p>C. Coils or jackets used as heat exchangers in compressors in lines carrying:</p> <ol style="list-style-type: none"> 1. Sewage 2. Toxic substances 3. Nontoxic substances <p>D. Flush valve toilets or urinals</p> <p>E. Toilets, urinal tanks and approved bathtubs</p> <p>F. Bidets, sitz tanks, or spa, therapy and roman pools not otherwise isolated to design or backflow protectors</p> <p>G. Trough urinals</p> <p>H. Valved outlets or fixtures with hose attachments that may constitute a cross-connection to:</p> <ol style="list-style-type: none"> 1. Toxic substances 2. Nontoxic substances <p>I. Aspirators that may constitute a cross-connection to:</p> <ol style="list-style-type: none"> 1. Toxic substances 2. Nontoxic substances 	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>
<p>III. Other Equipment and Facilities Subject to a Variety of Backflow Conditions</p> <p>A. Lawn sprinkling systems that may constitute a cross-connection to:</p> <ol style="list-style-type: none"> 1. Toxic substances including lawn chemicals 2. Nontoxic substances <p>B. Fire suppression systems employing toxic chemicals</p> <p>C. Soft drink dispense or bar carbonators</p> <p>D. Radiological, photographic, dental, medical, biological or chemical laboratories or facilities</p> <p>E. Swimming pools</p> <p>F. Tank truck loading station</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p>

Permitted Backflow Assemblies, Devices and Methods					
Assembly Device or Method	Degree of Hazard				Installation
	Low		High		
	Back Siphonage	Back Pressure	Back Siphonage	Back Pressure	
Air Gap	X	X	X	X	Shall be a minimum of 1 inch but not less than 2 times the diameter of the effective spout opening when not affected by side walls, and 3 times the diameter of the effective opening when affected by side walls. Side walls will be assumed to not affect air gaps when they are spaced horizontally a distance greater than 4 times the effective opening from the spout opening.
Atmospheric Vacuum Breaker	X		X		Upright position. No valves downstream. Minimum of 6 inches or listed distance above all downstream piping & flood level rim of receptor.
Double Check Valve Assembly	X	X			Horizontal unless otherwise listed. Requires 1 foot below & sufficient side & head room for testing & maintenance with a maximum of 5 feet above the ground, work floor, or a permanently installed working platform with stairs or ladder affixed. Does not discharge water.
Pressure Vacuum Breaker Assembly	X		X		Upright position. May have valves downstream. Minimum of 12 inches above all downstream piping & flood level rim of receptor. May discharge water.
Reduced Pressure Principle Backflow Prevention Assembly	X	X	X	X	Same as Double check Valve Assembly above except may discharge water & wherever installed, provision for draining away at least 2 times the rated gallons per minute of the device shall be made.
Dual Check Valves	X	X			Residential services only, & where high hazards are not known to exist on the premises. Properly protected lawn sprinkling systems are assumed to be low hazard for this purpose. Dual checks are not subject to annual inspection unless so stipulated by the manufacturer. Otherwise, reasonable inspection periods will be assumed to be every 5 years.

Provided, however, this shall be a minimum standard of protection. When, in the opinion of the Utilities Superintendent, a different level of protection would be more appropriate, the Superintendent shall prescribe the method of backflow or backsiphonage protection.

§9-509 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; INSTALLATION INSPECTIONS:

The Utilities Superintendent, at the expense of the Municipality, may inspect any premises to determine whether a backflow device is required and what level of protection will be necessary to protect the public health and safety.

§9-510 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; NEW DEVICE INSTALLATION:

All backflow and backsiphonage prevention devices shall be installed in a manner that the device shall be accessible.

§9-511 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; CERTIFICATIONS REQUIRED:

Each customer shall certify to the Municipality at least one (1) time annually that the backflow prevention device has been tested by a Nebraska Department of Health Grade VI Certified Water Operator if the device is equipped with a test port. Such certification shall be made on a form available at the office of the Municipal Clerk.

§9-512 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; MAINTENANCE:

Backflow and backsiphonage prevention devices shall be maintained in good working condition by the customer at the customer's expense.

§9-513 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; APPEALS:

Any decision of the Utilities Superintendent may be appealed to the Council, by filing a written notice of appeal with the Municipal Clerk within ten (10) day after the decision or order of the Utilities Superintendent has been made. The Governing Body shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the Utilities Superintendent. Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity.

Appeals shall be in writing and shall state the reasons for the appeal.

§9-514 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; PENAL PROVISION; VIOLATION; PENALTY:

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of sections 9-503 through 9-515 of this Code shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$100.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

§9-515 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; PENAL PROVISIONS; ABATEMENT:

In addition to any other remedies hereunder provided, the Municipality may proceed by a suit in equity to enjoin and abate any violation of noncompliance with this Chapter, in the manner provided by law.

Article 6. Electrical Code

§9-601 ELECTRICAL CODE; ADOPTED BY REFERENCE: *(Repealed by Ord 852, 9/24/07)*

Article 7. Unsafe Buildings

§9-701 UNSAFE BUILDINGS; SPECIAL ASSESSMENTS:

If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the Municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the City. The City may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. *(Ref. 18-1720, 18-1722, 18-1722.01, 77-1725 RS Neb) (Ord 575, 1/28/91)*

Article 8. Penal Provision

§9-801 VIOLATION; PENALTY:

- (1) (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars (\$100.00). A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.
- (2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.
(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (*Ref. 17-505, 18-1720, 18-1722 RS Neb*) (*Amended by Ord 756. 8/28/00; Ord 988, 5/26/2020*)