

## **BUILDING REGULATIONS**

### Article 1. Building Inspector

**§9-101 BUILDING INSPECTOR; POWER AND AUTHORITY.** The Building Inspector shall be the Municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall inspect all buildings repaired, altered, built, or moved in the Municipality as often as necessary to insure compliance with all Municipal ordinances. He shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He shall 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. If the stop order is an oral one, it shall be followed by a written stop order within one (1) hour. Such written order may be served by any Municipal Policeman. In the event that the Governing Body fails to appoint a Building Inspector, the City Clerk shall be the Building Inspector ex officio.

**§9-102 BUILDING INSPECTOR; RIGHT OF ENTRY.** It shall be unlawful for any person to refuse to allow the Building Inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place for the purpose of making official inspections at any reasonable hour.

**§9-103 BUILDING INSPECTOR; APPEAL FROM DECISION.** In the event it is claimed that the true intent and meaning of this Chapter has been wrongly interpreted by the Building Inspector; that the time allowed for compliance with any order of the Building Inspector is too short; or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this Chapter and the Building Inspector, the owner, his agent, or the occupant may file a notice of appeal within ten (10) days after the decision or order of the Building Inspector 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 Building Inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance

shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this Code to achieve that end. A copy of any variance so granted shall be sent to both the Building Inspector and the applicant.

**§9-104**        **BUILDING INSPECTOR; BARRICADES AND LIGHTS**. It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the Municipality to have during such work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this section and the Municipal Police or the Building Inspector shall stop all work until guards are erected and maintained as required.

## Article 2. Building Permits

**§9-201 BUILDING PERMITS.** (1) Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building or dwelling, or cause the same to be done, shall file with the Municipal Clerk an application for a building permit.

(2) The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor, and such other information as may be requested thereon.

(3) Applications for building permits for projects which call for the construction of new utility lines or facilities to service the proposed building project, shall be filed with the Municipal Clerk at least sixty (60) days prior to consideration by the Governing Body to allow adequate time for review of the application, plans, and specifications.

(4) Applications for a building permit pursuant to the provisions of division (3) above shall, after review by the Municipal Clerk, be submitted to the Governing Body for final approval. If found to be in conformity with the requirements of this Chapter and all other ordinances applicable thereto, the Governing Body shall authorize the City Administrator, Municipal Clerk, or other designated City official to issue the applicant a permit upon payment of the permit fee set by resolution of the Governing Body.

(5) All other building permit applications shall be filed with the Municipal Clerk at least five (5) days prior to the next regularly scheduled meeting of the Governing Body to allow sufficient time for review of the application by the Municipal Clerk and/or submission to the Governing Body for its consideration.

(6) The application, plans, and specifications so filed with the Municipal Clerk pursuant to division (5) above shall be checked and examined by the Municipal Clerk and if they are found to be in conformity with the requirements of this Chapter and all other

ordinances applicable thereto, the City Administrator/Municipal Clerk/or other designated City official may issue the applicant a permit upon the payment of the permit fee set by resolution of the Governing Body. Provided, however, that the Municipal Clerk may, in his or her discretion, submit the application to the Governing Body for final approval. *(Ref. 17-130 through 17-132, 17-550, 17-1001 RS Neb.) (Amended by Ord. Nos. 11-2013, 12/11/13; 1-2016, 1/13/16)*

**§9-202 BUILDING PERMITS; DUPLICATE TO COUNTY ASSESSOR.** Whenever a building permit is issued for the erection, alteration or repair, of any building within the Municipality's jurisdiction, and the improvement is one thousand (\$1,000.00) dollars or more, a duplicate of such permit shall be issued to the County Assessor. *(Ref. 18-1743 RS Neb.)*

**§9-203 SATELLITE DISHES; PERMITS.** A permit shall be obtained prior to the installations, erection, or construction of any satellite dish or other device designed to receive television signals other than a standard form of television antenna. Such permit shall be obtained by filing an application with the Municipal Clerk for a satellite dish permit. The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such application shall set forth the type of satellite dish, location of the land on which the construction of said dish is to take place, the dimensions of the satellite dish, the names of the owner/owners, and such other information as may be requested thereon. The application shall be checked by the Municipal Clerk, and if found to be in conformity with this Ordinance shall be issued forthwith, upon the payment of a processing fee of \$5.00.

Satellite dishes shall be installed in such a manner as to not be in front of the setback line of dwellings in the block in which said dish is to be located, (either on the front or the side streets).

Satellite dishes shall not be placed in any other position which will block vision for motorists traveling on the City streets or to block or restrict air movement from adjacent buildings not on the land of the owner installing or erecting such satellite dish. *(Ord. No. 316, 10/2/85)*

### Article 3. Building Moving

**§9-301**        **BUILDING MOVING; REGULATIONS.** It shall be unlawful for any person, firm, or corporation to move any building or structure within the Municipality without a written permit to do so. Application may be made to the Municipal Clerk, and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the Governing Body may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The Municipal Clerk shall refer the said application to the Street Superintendent for approval of the proposed route over which the said building is to be moved. Upon approval of the Governing Body, the Municipal Clerk shall then issue the said permit; provided, that a good and sufficient corporate surety bond, check, or cash in an amount set by motion of the Governing Body and conditioned upon moving said building without doing damage to any private or Municipal property is filed with the Municipal Clerk prior to the granting of any permit. No moving permit shall be required to move a building that is ten (10') feet wide, or less, and twenty (20') feet long, or less, and when in a position to move, fifteen (15') feet high, or less. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall upon proper notice of at least twenty-four (24) hours, be present and assist by disconnecting the said poles, wires, or line relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the Municipality, notice in writing of the time and route of the said building moving operation shall be given to the various Municipal officials in charge of the Municipal utility departments who shall proceed in behalf of the Municipality and at the expense of the mover to make such disconnections and do such work as is necessary.

**§9-302**        **BUILDING MOVING; DEPOSIT.** At such time as the building moving has been completed, the Street Superintendent shall inspect the premises and report to the Municipal Clerk as to the extent of damages, if any, resulting from the said relocation and whether any Municipal laws have been violated during the said operation. Upon a satisfactory report from the Street Superintendent, the Municipal Clerk shall return the corporate surety bond, cash, or check deposited by the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the Governing Body may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by resolution of the Governing Body, as required herein, the Governing Body may recover such excess expense by civil suit or otherwise as prescribed by law.

#### Article 4. Unsafe Buildings

**§9-401**        **UNSAFE BUILDINGS; DEFINITION.** The term "unsafe building" as used in this Article is hereby defined to mean and include any building, shed, fence, or other man-made structure (a) which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures; (b) which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard; (c) which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of such structure. Any such unsafe building in the Municipality is hereby declared to be a nuisance.

**§9-402**        **UNSAFE BUILDINGS; PROHIBITION.** It shall be unlawful to maintain or permit the existence of any unsafe building in the Municipality and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy such building or permit it to be occupied while it is in an unsafe condition.

**§9-403 UNSAFE BUILDINGS; DETERMINATION AND NOTICE.** Whenever the building inspector, the fire official, the health official, or the Governing Body shall be of the opinion that any building or structure in the Municipality is an unsafe building, he shall file a written statement to this effect with the Municipal Clerk. The Clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of such determination in the office of the County Register of Deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. Such notice shall state that the building has been declared to be in an unsafe condition; and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied within sixty (60) days from the date of receipt. Such notice may be in the following terms:

"To \_\_\_\_\_ (owner-occupant of premises) of the premise known and described as \_\_\_\_\_.

"You are hereby notified that \_\_\_\_\_ (describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection \_\_\_\_\_. The causes for this decision are \_\_\_\_\_ (here insert the facts as to the dangerous condition).

"You must remedy this condition or demolish the building within sixty (60) days from the date of receipt of this notice or the Municipality will proceed to do so. Appeal of this determination may be made to the Governing Body, acting as the Board of Appeals, by filing with the Municipal Clerk within ten (10) days from the date of receipt of this notice a request for a hearing."

If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists within ten (10) days from the time when this notice is served upon such person by personal service or certified mail, the Building Inspector may, upon orders of the Governing Body, proceed to remedy the condition or demolish the unsafe building.

**§9-404 UNSAFE BUILDINGS; HEARING AND APPEAL.** Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may in writing to the

Municipal Clerk request a hearing before the Governing Body, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The Governing Body shall grant such hearing within ten (10) days from the date of receiving the request. A written notice of the Governing Body's decision following the hearing shall be sent to the property owner by certified mail. If the Governing Body rejects the appeal, the owner shall have five (5) days from the sending of the decision to begin repair or demolition and removal. If after the five (5) day period the owner has not begun work, the Governing Body shall proceed to cause such work to be done; provided, the property owner may appeal such



decision to the appropriate court for adjudication during which proceedings the decision of the Governing Body shall be stayed. Where the Municipality has not adopted a building code, the statutes of Nebraska relating to bonded indebtedness and collection of delinquent taxes shall apply.

**§9-405 UNSAFE BUILDINGS; EMERGENCY.** Where any unsafe building or structure poses an immediate danger to the health, safety, or general welfare of any person or persons, and the owner fails to remedy the situation in a reasonable time after notice by the Building Inspector to do so, the Municipality may summarily repair or demolish and remove such building or structure.

**§9-406 UNSAFE BUILDINGS; SPECIAL ASSESSMENTS.**

In case the owner of any building or structure shall fail, neglect, or refuse to comply with notice by or on behalf of the Municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Governing Body, which is authorized to levy the cost as a special assessment against the land. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments. (*Ref. 18-1720, 18-1722, 18-1722.01, 77-1725 RS Neb.*)



## Wakefield Code

## Article 5. Uniform Codes

**§9-501 UNIFORM PLUMBING CODE; INCORPORATED BY REFERENCE.** (1) That certain documents, one (1) copy of which is on file in the office of the City Clerk, being marked and designated as "Uniform Plumbing Code", including Appendix Chapters A through I and "IAPMO Installation Standards" published by the International Association of Plumbing and Mechanical Officials, be and are hereby 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 Wakefield; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "Uniform Plumbing Code", 2000 edition, and "IAPMO Installation Standards", 2000 edition, published by the International Association of Plumbing and Mechanical Officials, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this section.

(2) (a) Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any plumbing or permit the same to be done in violation of this Code.

(b) 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 by ordinance. 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. (*Ord. No. 353, 7/1/92*) (*Amended by Ord. No. 01-10, 7/11/01*)

**§9-502 UNIFORM MECHANICAL CODE; INCORPORATED BY REFERENCE.** (1) That certain documents, one (1) copy of which is on file in the office of the City Clerk being marked and designated as "Uniform Mechanical Code," including

Appendix Chapters A through C published by the International Conference of Building Officials, be and is hereby adopted as the code of the City of Wakefield, Nebraska, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the City of Wakefield; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "Uniform Mechanical Code," 1991 edition, published by the International Conference of Building Officials, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this section.

(2) (a) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or maintain mechanical systems or equipment or cause or permit the same to be done in violation of this Code.

(b) 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 by ordinance. 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.

(3) (a) General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to mechanical design, construction and maintenance and the public health aspects of mechanical systems and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the Governing Body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business

and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

(b) Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of this Code. (*Ord. No. 354, 7/1/92*)

**§9-503 INTERNATIONAL BUILDING CODE; INCORPORATED BY REFERENCE.**

(1) A certain document, a copy which is on file in the office of the City Clerk of the City of Wakefield, entitled *International Building Code, 2006* edition, as published by the International Code Council, excluding all appendices, be and is hereby adopted as the Building Code of the City of Wakefield, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits therefor; and each and all of the regulations, provisions, penalties, conditions and terms of the Building Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions, and changes, if any, prescribed in division (2) below.

(2) The following sections are hereby revised:

Section 101.1	Insert: City of Wakefield, Nebraska.
Section 1612.3	Insert: City of Wakefield, Nebraska.
Section 1612.3	Insert: September 30, 2005.
Section 3410.2	Insert: July 12, 2006.

None of the appendices are adopted.

(*Ord. No. 355, 7/1/92*) (*Amended by Ord. No. 6-2006, 7/12/06*)

**§9-504 CABO ONE AND TWO FAMILY DWELLING CODE; INCORPORATED BY REFERENCE.**

(1) That certain documents, one (1) copy which is on file in the office of the City Clerk being marked and designated as "CABO One and Two Family Dwelling Code", including Appendix Chapters A through E, published by the Council of American Building Officials, be and is hereby adopted as the Code of the City of Wakefield, Nebraska, for regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one- and two-family dwellings, their appurtenances and accessory structures in the City of Wakefield, Nebraska, and providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such "CABO One and Two Family Dwelling Code", 1989 edition, and the "CABO One and Two Family Dwelling Code Standards", 1989 edition, published by the Council of American Building Officials, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this section.

(2) (a) It shall be unlawful for any person, firm or corporation whether as owner, lessee, sub-lessee or occupant to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any one- and two-family dwelling in the jurisdiction or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

(b) It is hereby declared that any violation of this Code constitutes a public nuisance, and in addition to any other remedies provided by this Code for its enforcement, the City may bring civil suit to enjoin the violation of any provisions of this Code.

(c) Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine as set forth by ordinance.

(3) All persons shall have the right to appeal the Building Official's decision through a body appointed by the Mayor and City Council and qualified by experience and training to pass upon matters pertaining to building construction. (*Ord. No. 356, 7/1/92*)

**§9-505 NATIONAL FIRE PROTECTION ASSOCIATION 101 LIFE SAFETY CODE; INCORPORATED BY REFERENCE.**

(1) That certain documents, one (1) copy which is on file in the office of the City Clerk being marked and designated as "NFPA 101 Life Safety Code 1991" published by the National Fire Protection Association, be and is hereby adopted as the Code of the City of Wakefield, Nebraska, for establishing minimum requirements that will provide a reasonable degree of safety from fire in buildings and structures; and providing that each and all of the provisions of such NFPA 101 Life Safety Code 1991



## Wakefield Code

published by the National Fire Protection Association, on file with the City Clerk, are hereby referred to, adopted and made a part hereof as if fully set out in this section. (Ord. No. 358, 8/5/92)

**§9-506 MINIMUM HOUSING STANDARDS; INCORPORATED BY REFERENCE.** That certain documents, one (1) copy of which is on file in the office of the City Clerk being marked and designated as "Suggested Minimum Housing Standards published by the Nebraska Department of Economic Development" be and is hereby adopted as the Code of the City of Wakefield, Nebraska, for establishing minimum standards for the occupancy, condition and maintenance of dwellings, definitions of hazards and for the condemnation of unfit and unsafe dwellings and buildings; and providing that each and all of the provisions of such Suggested Minimum Housing Standards published by the Nebraska Department of Economic Development, on file with the City Clerk, are hereby referred to, adopted and made a part hereof as if fully set out in this section. (Ord. No. 359, 8/5/92)

**§9-507 NATIONAL ELECTRICAL CODE; INCORPORATED BY REFERENCE.** (1) That certain documents, one (1) copy of which is on file in the office of the City Clerk being marked and designated as "National Electrical Code 1992, a USA Standard" published by the National Fire Protection Association, be and is hereby adopted as the Code of the City of Wakefield, Nebraska, for providing for the practical safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling and for other purposes; and providing that each and all of the provisions of such National Electrical Code 1992 published by the National Fire Protection Association, on file with the City Clerk, are hereby referred to, adopted and made a part hereof as if fully set out in this section. (Ord. No. 360, 8/5/92)

**§9-508 GALVANIZED STEEL SIDING AND ROOFING; PROHIBITED.** *All siding and roofing materials other than wood, brick, masonry, asphalt or vinyl to be used in the construction, alteration or repair of structures, residential, commercial, industrial, or otherwise, within the municipal limits of the City of Wakefield, Nebraska shall have a baked in enamel finish of a color other than silver. Galvanized steel siding and roofing materials are prohibited.* (Ord. No. 377, 7/6/94)

## Article 6. Backflow Prevention

[Editor's Note: Article 6 was adopted in its entirety by Ordinance No. 362, 12/7/92]

### §9-601 GENERAL.

- (1) DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Article.
  - (a) Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening of any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the said receptacle. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the receptacle and, in no case less than one inch.
  - (b) Antisiphon vacuum breaker is a device which restricts the backflow of water into a potable water system by a simple check valve. The vacuum is broken by allowing air to enter upstream of the check valve.
  - (c) Approved means that a backflow prevention device or method has been accepted by the Manager as being suitable for the intended use.
  - (d) Auxiliary water system means any water supply system available to the premises other than the public water supply system and includes the water supplied by such system. These auxiliary water systems may include water from another owner's public water supply system; polluted or contaminated water, process fluids; used water; or other sources of water which the owner of the public water supply system does not have sanitary control.
  - (e) Backflow or backsiphonage means the flow of water or other liquids, mixtures, or substances into the water distribution system from any other source than the intended source of the potable water supply.
  - (f) Backflow prevention device means any device, method, or type of construction intended to prevent backflow into a potable water system. Devices such as an "Approved Air gap", "Double Check Valve Assembly", "Antisiphon Vacuum Breaker" or a "Reduced Pressure Principle Devices" can be used which have been approved by the Manager.
  - (g) Consumer means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
  - (h) Consumer's water supply system means any water supply system,

located on the consumer's premises, supplied by or in any manner connected to a public water supply system. A household plumbing system is considered to be a consumer's water supply system. A fire suppression system is also considered a consumer's water supply system.

- (i) Contamination means an impairment of the quality of the water by sewage, or waste to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.
- (j) Cross connection means any arrangement whereby contamination due to backflow or backsiphonage can occur.
- (k) Degree of hazard is a term derived from an evaluation of the potential risk to health and the adverse effects upon the potable water system.
- (l) Double check valve assembly means an assembly composed of two single, independently acting, check valves including one hundred percent closing shutoff ball valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
- (m) Health hazard means any condition, device, or practice in a water system or its operation that creates, a real or potential danger to the health and well being of the consumer.
- (n) Interchangeable connection means an arrangement or device that will allow alternate but not simultaneous uses of two sources of water.
- (o) Licensed plumber means a person which has obtained the appropriate license from the Mayor and Council to perform plumbing related work within the City limits of Wakefield.
- (p) Manager means the City of Wakefield Utility Superintendent or his authorized representative.
- (q) Non-potable water means water not safe for drinking, personal, or culinary use, or which does not meet the requirements of the Nebraska Department of Health.
- (r) Owner means the person delivering water through a public water supply system. The owner is City of Wakefield.
- (s) Person means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity. When the term he, or his is used, it shall mean any male or female person.
- (t) Plumbing hazard means a plumbing type cross connection in a consumer's potable water system that has not been properly protected by air gap separation or backflow prevention devices.
- (u) Pollution means the presence in water of any foreign substance (organic, inorganic, or biological) that degrades the quality of water to a degree which does not necessarily cause an actual hazard to the

public health but which does adversely and unreasonably affect such waters for any desired use.

- (v) Pollution hazard means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or the consumer's water supply system.
  - (w) Potable water means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Nebraska Department of Health.
  - (x) Public water supply system means a water supply system designed and intended to provide potable water to a designated consumer. The water supply shall include the water supply source and distribution piping network. The water supply source is defined as any artificial or natural accumulation of water used to supply the potable water system. The distribution piping network includes all piping, pumping and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.
  - (y) Reduced pressure zone backflow prevention device means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include one hundred percent closing shutoff ball valves located at each end of the device, and each device shall be fitted with properly located test cocks.
  - (z) Service connection means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
  - (aa) System hazard means a condition posing an actual or potential threat of damage to the physical properties of the public's or the consumer's water supply system.
  - (bb) Used water means any water supplied by the public water supply system to a consumer's water supply system after it has passed through the service connection and is no longer under the sanitary control of the water supplier.
- (2) RESPONSIBILITY. The consumer as defined in these regulations, if requested by the Manager, shall designate an individual or individuals, who shall be responsible for contract and communications with the

Manager in matters relating to system alteration and construction, monitoring and sampling, maintenance, operation, record keeping, and reporting, as required by law and these regulations. Any change in assigned responsibilities or designated individuals shall be promptly reported to the Manager.

**§9-602 POLICY AND PURPOSE.**

- (1) The purpose of this Article is to protect the public water supply system of the City of Wakefield, Nebraska, from the possibility of contamination by isolating real or potential sources of contamination or pollution which may backflow into the public water supply system. This Article provides for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of the potable water supply systems.
- (2) The Manager shall be responsible for the implementation of the backflow prevention program as outlined within this Article. If in the judgment of the Manager an approved backflow prevention device is required for safety of the public water supply system then the Manager shall give notice in writing to the consumer to install said device at each recommended location. The Manager shall inspect and approve all installations of the required backflow prevention devices. The costs for purchasing, installing, and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. The installation of backflow prevention devices, except for outlet fixture vacuum breakers, shall be by a licensed plumber. Annual testing of all double check valves and reduced pressure zone devices shall be performed by the Manager. If deemed necessary by the Manager that maintenance or repairs are necessary, the Owner shall be contacted and issued an order to make all necessary repairs or maintenance. The Owner shall complete all maintenance or repairs within thirty (30) days; if not, the Owner shall be considered in violation of the backflow ordinance and will be subject to disconnection of the service as provided in section 3-801.

- (3) No person shall install or maintain a water service connection, containing cross connections to a public water supply system or a consumer's potable water supply system unless such cross connections are abated or controlled in accordance with this Article, and as required by the laws and regulations of the Nebraska Department of Health.
- (4) For the purposes of this backflow prevention ordinance, whenever the Manager is to make any decision or interpretation, or whenever reference is made to the fact that the Manager is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of this backflow prevention ordinance, and any other applicable provisions of the Wakefield City Code, and state and federal law.

**§9-603 SURVEYS AND INVESTIGATIONS.**

- (1) It shall be the responsibility of the water consumer to conduct or cause to be conducted, periodic surveys of water use practices on his premises as necessary to determine whether there are actual or potential cross connections in the consumer's water supply system. The Manager shall have the authority to conduct or cause to be conducted periodic surveys and investigations, of a frequency as determined by the Manager, of water use practices within a consumer's premises to determine whether there are actual or potential cross connections to the consumer's water supply system through which contaminants or pollutants could backflow into the public water supply system. The Manager may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.
- (2) On request by the Manager the consumer shall furnish the Manager information on water use practices within the consumer's premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the Manager shall treat the premises as if no appropriate cross connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required by sections 9-604 and 9-605.
- (3) The Manager shall have the right to enter a premises served by the public water supply system at all reasonable times for the purpose of making surveys and investigations of water use practices within the

premises. In order to inspect a premise, the Manager shall give notice setting forth a proposed date and time to the consumer at least ten (10) days in advance. If the consumer cannot make the premises available for inspection at the proposed date and time, the consumer shall contact the Manager and arrange for another date and time for the inspection. If the Manager and the consumer cannot agree on a date and time, then the Manager shall treat the premises as if no appropriate cross connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required to section 9-604 and 9-605.

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

**§9-604 WHERE PROTECTION IS REQUIRED.**

- (1) An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the Manager a health, plumbing, pollution or system hazard exists.
- (2) An approved backflow prevention device shall be installed when the following conditions are found by the Manager to exist:
  - (a) Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to a public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from a public water supply system



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

- (s) Multi-storied buildings greater than three (3) stories in height;
- (t) Schools, universities, colleges;
- (u) Other commercial or industrial facilities which may constitute potential cross connection.

**§9-605 TYPE OF PROTECTION REQUIRED.**

- (1) The type of protection required under section 9-604 of this Article shall depend on the degree of hazard that exists as follows:
  - (a) An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where a public water supply system may be contaminated with any substance that could cause a system hazard or health hazard;
  - (b) An approved double check valve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard;
  - (c) An approved reduced pressure principle backflow prevention device shall be installed at the service connection where there exists a plumbing hazard;
  - (d) In the case of any premises where, because of security requirements or other prohibitions it is impossible or impractical to make a complete cross connection survey of the consumer's potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.
- (2) An approved antisiphon vacuum breaker may be used as a backflow prevention device where it is not subjected to back pressures. This device shall not be used for applications where water flow is expected to be continuous for 12 or more hours. The device shall be installed ahead of the potential source of contamination on the discharge side of the last control valve. It shall be placed at least 18" above the highest point reached by any water passing through the potential source of contamination. Typically this type of device is used for such equipment as lawn sprinklers, water cooled compressors, or other water cooled equipment.

**§9-606 BACKFLOW PREVENTION DEVICES.**

- (1) **Any approved backflow prevention device required by section 9-604 shall be installed at a location and in a manner approved by the Manager. The consumer, at his sole expense, shall obtain and**

**install said approved backflow prevention device(s) within 90 days of notice and as directed by the Manager.**

- (2) Existing backflow prevention devices approved by the Manager prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements of section 9-606(1) but only if the Manager determines that the devices will satisfactorily protect the public water supply system. One hundred percent closing shut off ball valves for testing shall be provided on existing backflow prevention devices, if deemed necessary for proper testing by the Manager. If deemed necessary by the Manager that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device.**

**§9-607 BOOSTER PUMPS.**

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

**§9-608 YARD HYDRANTS.**

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

- (3) All underground lawn and garden sprinkler systems shall be equipped with an approved backflow prevention device.

**§9-609 FIRE SUPPRESSION SYSTEM.**

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

**§9-610 VIOLATIONS.**

- (1) The Manager shall deny or discontinue, after notice to the consumer thereof, the water service to any premises wherein:

- (a) Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the Manager;
  - (b) It is found that the backflow prevention device has been removed or bypassed;
  - (c) An unprotected cross connection exists on the premises;
  - (d) A low pressure cut-off required by section 9-607 is not installed and maintained in working order; or
  - (e) The Manager is denied entry to determine compliance with these regulations.
- (2) The Manager shall immediately deny or discontinue, without notice to the consumer thereof, the water service to any premises wherein a severe cross connection exists which constitutes an immediate threat to the safety of the public water system. The Manager shall notify the consumer within twenty-four (24) hours of said denial or discontinuation of service.
- (3) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations, and to the satisfaction of the Manager.

**§9-611 APPROVAL STANDARDS.**

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

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

- 1982**
- No. 1024 Dual Check Valve Type Backflow Preventers - ANSI Approved 1984 - Revised 1988**
- No. 1032 Dual Check Valve Type Backflow Preventer for Carbonated Beverage Dispensers - 1980**
- No. 1035 Laboratory Faucet Vacuum Breakers - ANSI Approved 1984**
- No. 1048 Double Check Detector Assembly Backflow Preventer - 1989**

Said standards and specifications have been adopted by the Manager. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said standard and specifications.

- (2) The Manager shall keep a current list of all certified suppliers and their appropriate list of makes and models of backflow prevention devices which the Manager has deemed approved.
- (3) The Manager shall require a strainer of approved type and size to be installed in conjunction with required backflow prevention devices. The installation of strainers shall preclude the fouling of backflow device(s) due to foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains. These occurrences may cause debris such as scale deposits and sand to flush through the mains causing fouling of backflow device(s).

**§9-612 LIABILITY CLAIMS.** The Manager shall be relieved from personal liability. The City shall hold harmless the Manager when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by this title, or by reason of any act or omission of the Manager in the discharge of his duties hereunder. Any suit brought carrying out the provisions of the title shall be defended by the City, or the City's insurance carrier, if any, through final determination of such proceeding.

**§9-613 BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATION; PENALTY.** Any person who shall violate or refuse to comply with the enforcement of any of the provisions of Chapter 9, Article 6, sections 601 through 613, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each offense, and shall be

required to pay the cost of clean-up of any contamination of the system caused by said violation or refusal to comply. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Ord. No. 383, 11/2/94*)

## Article 7. Proactive Rental Inspection Program

**§9-701 TITLE.** The title of this Article shall be known as the Proactive Rental Inspection Program. *(Ord. No. 4-2017, 9/13/17)*

**§9-702 DEFINITIONS.** For purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CERTIFICATE OF OCCUPANCY shall mean a certificate issued by the City, pursuant to this Article, signifying that the premises have been inspected by the Code Enforcement Official and have been found to be habitable and that the owner possesses a valid rental permit for that rental unit.

CODE ENFORCEMENT OFFICER shall mean the Code Enforcement Officer of the City of Wakefield.

OWNER shall mean any person who owns one (1) or more rental units.

PERSON shall mean any individual or business entity.

RENTAL PERMIT shall mean a permit issued by the City, pursuant to this Article, that permits an owner to rent or lease a rental unit.

RENTAL UNIT shall mean any residential dwelling within the City's jurisdiction that is rented or leased to tenants for residential purposes on a non-transient basis (when one or more tenants reside on the property or rents or leases the property for thirty (30) consecutive days or longer) and which is owned in whole or in part by an owner. *(Ord. No. 4-2017, 9/13/17)*

**§9-703 RULES OF CONSTRUCTION.** This Article shall be liberally construed and applied to promote its underlying purpose, which is to encourage the maintenance and improvement of the quality of rental housing in the City. *(Ord. No. 4-2017, 9/13/17)*

**§9-704 COMPLIANCE.** No person shall occupy or maintain a rental unit unless in accordance with the provisions of this Article. *(Ord. No. 4-2017, 9/13/17)*



**§9-705 SCOPE.** This Article shall apply to all rental units. but shall not apply to the following:

(1) Facilities that are government regulated or housing subsidized by the State or Federal governments;

(2) Occupancy by the purchaser of a rental unit under a contract of sale:

(a) In order to qualify for this exemption, the purchaser must provide the Code Enforcement Official with proof of purchase. Such proof may be provided by a copy of the executed purchase agreement, contract of sale, real estate tax receipt, or other indicia of the sale transaction;

(3) Transient occupancy in hotel, motel or other similar lodgings;

(4) Landlords who occupy the premises and rent to no more than two (2) persons residing within the same housing unit. This exemption does not apply to basements, attics or garages which are used as habitable spaces for rent;

(5) Occupancy by a child or grandchild of the owner who resides on the premises with the consent of the owner who receives no compensation for allowing the child or grandchild to occupy the premises:

(a) In order to qualify for this exemption, the owner shall sign a statement, under oath, attesting to the above. (*Ord. No. 4-2017, 9/13/17*)

**§9-706 REGISTRATION AND CERTIFICATE OF OCCUPANCY/PERMIT REQUIREMENT.** No person may use real estate for the purpose of erecting or maintaining a rental unit thereon without having first registered their rental properties with the City of Wakefield by obtaining a rental permit and certificate of occupancy from the office of the City Clerk. There shall be no fee for the certificate of occupancy and rental permit. (*Ord. No. 4-2017, 9/13/17*)

**§9-707 PERMIT APPLICATION.** (1) Any owner wishing to rent or lease a rental unit must apply for a rental permit at the office of the City Clerk. The application for the rental permit shall require the following information:

- (a) Name of owner;
- (b) Address of owner;
- (c) Street address of owner;
- (d) Street address of rental unit;
- (e) Brief description of type and number of rental unit(s);
- (f) Name and address of owner's agent, if any, authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any agent so designated shall be within the State of Nebraska. Any owner who does not reside in the State of Nebraska shall be required to designate a resident agent.

(2) The application shall be signed by the owner. Whenever ownership of a rental unit changes, the new owner shall complete a new application and must be issued a new rental permit. Notification of the owner or owner's agent at the address shown on the application shall constitute sufficient notice pursuant to any provisions of this Article. Each rental permit shall be valid for thirty-six (36) months following its date of issuance. It is a violation of this Article for an owner to maintain a rental unit for which a rental permit has not been issued and is currently valid in accordance with this Article. (*Ord. No. 4-2017, 9/13/17*)

**§ 9-708 RENTAL PERMIT; GENERAL INSPECTION; FEES.**

(1) In addition to the other requirements of this Article, it shall be a requirement that each rental unit pass an inspection carried out by the Code Enforcement Official prior to being issued a certificate of occupancy and rental permit. Such inspection shall require the rental unit to meet all applicable local and State property maintenance provisions, and the inspection checklist promulgated by the Code Enforcement Official. Each inspection shall apply to the rental permit issued for the rental unit inspected, and a new inspection shall be required at least once every three (3) years thereafter. There shall be

an inspection fee of thirty dollars (\$ 30.00) per owner plus five dollars (\$5.00) per rental unit inspected. Owners shall be notified in writing of any reason for failure of an inspection and disapproval of an application for a certificate of occupancy and rental permit in accordance with § 9-712. For rental units that do not pass the inspection, owners may request one re-inspection for no additional fee following correction of the issues identified by the Code Enforcement Official. There shall be no limit to the number of re-inspections authorized per rental unit, but there shall be an additional fee of thirty-five dollars (\$ 35.00) per re-inspection after the first re-inspection.

(2) The inspection requirement may be waived by the Code Enforcement Official during the initial implementation phase of the rental inspection program. Provided, however, that each rental unit must pass an inspection within the first three (3) years after the initial issuance of a certificate of occupancy and rental permit. (*Ord. No. 4-2017, 9/13/17*)

**§9-709 SPECIAL INSPECTION.** A special inspection may be done at the discretion of the Code Enforcement Official upon the written, signed request of any resident of the City, any governmental agency, or the rental unit's tenant, the tenant's legal representative, the Owner, or the owner's agent. A special inspection shall be confined to the defects complained of, if any, by the person requesting the inspection unless the Code Enforcement official determines that the condition of the rental unit or premises has deteriorated since the last general inspection to such an extent that a complete inspection is required to effectuate the purposes of this Article, in which case a complete new inspection of the entire rental unit and premises may be performed. If the rental unit fails to pass inspection, the owner shall be notified of the reason(s) for such failure in accordance with the provisions of § 9-712 and shall proceed to correct any deficiencies within the timelines set forth in such section. Failure to correct the conditions leading to the failure to pass the inspection shall result in revocation of the certification of occupancy and rental permit until such time as the rental unit shall pass a re-inspection. (*Ord. No. 4-2017, 9/13/17*)

**§9-710 INSPECTION; ENTRY TO PREMISES.** Unless waived by the owner or tenant, the following procedure shall be used to obtain entry to rental units for the purpose of any inspection. At least ten (10) days advance written notice of the date and time scheduled for inspection shall be provided to the owner or owner's agent. It shall be the responsibility of the owner or owner's agent to provide actual notice to the individual tenants to facilitate access to the rental units to be inspected. It is the responsibility of the owner or owner's agent to be present at the time of inspection and to provide access to the rental unit for inspection. If the owner or owner's agent fails to be present at any general or re-inspection, an administrative/rescheduling fee of thirty-five dollars (\$ 35.00) shall be assessed to the owner. If the owner of a rental unit or the tenant refuses entry for inspection after proper notification, the Code Enforcement Official shall not inspect without first obtaining an inspection warrant from a court of competent jurisdiction. Any cost to the City in obtaining the inspection warrant shall be assessed to the owner of the rental unit. *(Ord. No. 4-2017, 9/13/17)*

**§9-711 RETALIATORY EVICTION PROHIBITED.** It shall be a violation of this Article for any owner or owner's agent to bring or threaten to bring an action for possession of the rental unit for the purpose of retaliating against a tenant for requesting a special inspection as provided for in § 9-709. *(Ord. No. 4-2017, 9/13/17)*

**§9-712 NOTIFICATION OF SUBSTANDARD CONDITIONS AND PROCEDURE FOR CORRECTION THEREOF.**

(1) When an inspection reveals a substandard condition in a rental unit, the Code Enforcement Official shall issue a notice or order to comply setting out the owner's rights and obligations and the consequences of continued non-compliance.

(2) The notice of violation shall identify such violations as major code violations or minor code violations.

(3) Substandard conditions are divided into two (2) categories: minor violations or major violations. Minor code violations are those violations which do not pose a serious risk, or constitute an imminent

danger to the health and safety of the occupants of the rental unit or the public. Major code violations are those violations which pose a serious risk, or constitute an imminent danger to the health and safety of the occupants of the rental unit or the public.

(4) Minor code violations shall be corrected within thirty (30) days of issuance of the notice or order to comply. The Code Enforcement Official shall determine if a re-inspection is necessary and may grant owner additional time to correct the substandard condition if significant progress has been made to correct the deficiency.

(5) Major code violations shall be corrected or abated in no more than fourteen (14) days of the issuance of the notice or order to comply. Provided, however, that if the major code violation poses an imminent danger to the health or safety of the tenants, the Code Enforcement Official may require the Owner to correct or abate the condition within forty-eight (48) hours of receiving notice thereof. In such case, the Code Enforcement Official shall re-inspect the rental unit within the following twenty-four (24) hours to insure that the violation has been corrected or abated.

(6) A certificate of occupancy and rental permit may be suspended, denied or revoked by the Code Enforcement Official and an order issued by the Code Enforcement Official to vacate a rental unit upon the failure of the owner to take corrective action within the specified time frame or if the rental unit is found to be unsafe pursuant to the requirements of this Article. If a certificate of occupancy and rental permit is suspended, denied, or revoked, the Code Enforcement Official shall notify the owner or owner's agent, in writing, of the reasons therefore, and of their right to appeal the decision of the Code Enforcement Official. (*Ord. No. 4-2017, 9/13/17*)

**§9-713 APPEALS.** Appeals of decisions of the Code Enforcement Official pursuant to this Article may be had to the City Council by filing a request for hearing in writing with the City Clerk within twenty (20) days from the decision of the Code Enforcement Official. Upon receipt of the request for appeal, said appeal shall be placed on the agenda for the next regularly scheduled meeting of the City

Council, but no sooner than five (5) days after receipt of the appeal. The owner shall have the right to appear and to be represented by counsel. The City Council shall hear, consider, and render its decision in due course upon completion of the appeal hearing. The decision of the City Council may be appealed by owner to the District Court in accordance with the provisions of the Nebraska Revised Statutes. *(Ord. No. 4-2017, 9/13/17)*

**§9-714 CIVIL ENFORCEMENT.** Any violation of this Article is hereby declared to be a nuisance under the Wakefield Municipal Code and as such may be abated in the manner as nuisances are not or may hereafter be abated pursuant to this Code. *(Ord. No. 4-2017, 9/13/17)*

**§9-715 VIOLATION; PENALTY.** The penalty for violations of the provisions of this Article shall be as set forth in §§ 9-801 and 9-802 of this Code. *(Ord. No. 4-2017, 9/13/17)*

## Wakefield Code

## Article 8. Penal Provisions

**§9-801 VIOLATION; PENALTY.** Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction, thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense, recoverable with costs. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Ref 17-505 RS Neb) (Amended by Ord. No. 7-2009, 11/11/09)*

**§9-802 ABATEMENT OF NUISANCE.** Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

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. 18-1720, 18-1722 RS Neb.)*



## Wakefield Code