

CHAPTER 154: PROPERTY MAINTENANCE CODE

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SCOPE AND APPLICATION**§ 154.01 GENERAL PROVISIONS.**

(A) *Title.* These regulations shall be known as the Property Maintenance Code of the City of Bayard, hereinafter referred to as "this code."

(B) *Scope and jurisdiction.*

(1) The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(2) The jurisdiction for enforcement of this code shall extend to the area subject to the city zoning and subdivision regulations as delineated in the official zoning map.

(C) *Intent.* This code shall be construed to secure its expressed intent, which is to ensure public health, safety and 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 minimum level of health and safety as required herein.

(D) *Severability.* If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(E) *Board of Health.* Pursuant to § 36.21 of the City of Bayard Code of Ordinances, this Property Maintenance Code shall constitute the rules and regulations for the Board of Health for safeguarding the health of the people of the city; and enforcing the rules and regulations and providing fines for violations of the Property Maintenance Code.

(Ord. 776, passed 11-10-2015; Ord. 783, passed 2-16-2016)

§ 154.02 APPLICABILITY.

(A) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

(B) *Maintenance.* Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility that is required under this chapter to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

(C) *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.

(D) *Existing remedies.* The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

(E) *Workmanship.* Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

(F) *Historic buildings.* The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

(G) *Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in Appendix A to this chapter and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in this division (G).

(1) *Exception.* Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

(2) *Conflicts.* Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

(3) *Provisions in referenced codes and standards.* Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

(H) *Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Code Official.

(I) *Application of references.* References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

(J) *Other laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

(Ord. 776, passed 11-10-2015)

§ 154.03 DEFINITIONS.

(A) *Scope.* For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(B) *Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(C) *Terms defined in other codes.* Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

(D) *Terms not defined.* Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(E) *Parts.* Whenever the words **DWELLING UNIT, DWELLING, PREMISES, BUILDING, ROOMING HOUSE, ROOMING UNIT, HOUSEKEEPING UNIT** or **STORY** are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

(F) *General definitions.*

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the Code Official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The Code Official shall be the Chief of Police and/or the Building Inspector, or any duly authorized representative of the Chief of Police. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a Code Official, the governing body or Board of Appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

(a) Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.

(b) Designated as historic under an applicable state or local law.

(c) Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

JUNK. An accumulation of garbage, scrap lumber, wood, plastic, metal, old furniture, mattresses, appliances, building materials, equipment, inoperable motor vehicles or vehicle parts that are unsightly and/or promote infestation, that are new, old or discarded articles that are considered useless or of little value.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

NUISANCE. For purposes of Neb. RS 18-1720, the term **NUISANCE** shall include all property conditions that are prohibited by this Property Maintenance Code.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title

to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80% or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.
(Ord. 776, passed 11-10-2015)

ADMINISTRATION AND ENFORCEMENT

§ 154.10 BOARD OF HEALTH; CODE OFFICIAL.

(A) *General.* The city maintains a Board of Health pursuant to § 36.20 of this Code of Ordinances. The Board of Health has the overall responsibility for enforcement of the Property Maintenance Code and designates the Code Official to enforce and report to the Board of Health concerning violations of the Property Maintenance Code. Any reference in the Property Maintenance Code to a determination by the Code Official that a violation of the Property Maintenance Code exists shall be reported to the Board of Health for final action except for issues involving the height of weeds, which shall be enforced pursuant to the provisions of § 94.15 of this Code of Ordinances.

(B) *Appointment.* The Code Official shall be appointed by the Mayor, with approval of the City Council.

(C) *Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the Code Official.

(D) *Liability.*

(1) The Code Official or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

(2) *Legal defense.* Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(E) *Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.
(Ord. 776, passed 11-10-2015)

§ 154.11 CODE OFFICIAL; DUTIES AND POWERS.

(A) *General.* The Code Official is hereby authorized and directed to enforce the provisions of this code. The Code Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(B) *Inspections.* The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(C) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the Code Official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

(D) *Identification.* The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(E) *Notices and orders.* The Code Official shall issue all necessary notices or orders to ensure compliance with this code.

(F) *Department records.* The Code Official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.
(Ord. 776, passed 11-10-2015)

§ 154.12 APPROVAL.

(A) *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the Code Official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(B) *Alternative materials, methods and equipment.* The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the Code Official shall respond in writing, stating the reasons the alternative was not approved.

(C) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(1) *Test methods.* Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

(2) *Test reports.* Reports of tests shall be retained by the Code Official for the period required for retention of public records.

(D) *Used material and equipment.* The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the Code Official.

(E) *Approved materials and equipment.* Materials, equipment and devices approved by the Code Official shall be constructed and installed in accordance with such approval.

(F) *Research reports.* Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

(Ord. 776, passed 11-10-2015)

§ 154.13 VIOLATIONS.

(A) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

(B) *Notice of violation.* The Code Official shall serve a notice of violation or order in accordance with § 154.14.

(C) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with § 154.14 shall be deemed guilty of a code violation punishable as provided in this Code of Ordinances. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(D) *Violation penalties.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or city ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(E) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises

(Ord. 776, passed 11-10-2015)

§ 154.14 NOTICES AND ORDERS.

(A) *Notice to person responsible.* Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the

manner prescribed in divisions (B) and (C) below to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with § 154.15(C).

(B) *Form.* Such notice prescribed in division (A) above shall be in accordance with all of the following:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation or violations and why the notice is being issued;
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code;
- (5) Inform the property owner or owner's authorized agent of the right to appeal;
- (6) Include a statement of the right to file a lien in accordance with § 154.13(C).

(C) *Method of service.* Such notice shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by certified or first-class mail addressed to the last known address; and
- (3) A copy thereof shall be posted in a conspicuous place in or about the structure or property affected by such notice.

(D) *Unauthorized tampering.* Signs, tags or seals posted or affixed by the Code Official shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official.

(E) *Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in § 154.13(C) and (D).

(F) *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee,

acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. 776, passed 11-10-2015)

§ 154.15 UNSAFE STRUCTURES AND EQUIPMENT.

(A) *General.* When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

(1) *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(2) *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(3) *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or any Building Code adopted by the city, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(4) *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(5) *Dangerous structure or premises.* For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

(a) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved Building or Fire Code of the jurisdiction as related to the requirements for existing buildings.

(b) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

(c) Any portion of a building, structure or appurtenance that has been damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

(d) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

(e) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

(f) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

(g) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

(h) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved Building or Fire Code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

(i) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(j) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Code Official to be a threat to life or health.

(k) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(B) *Closing of vacant structures.*

(1) If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

(2) *Authority to disconnect service utilities.* The Code Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in § 154.02(G) in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The Code Official shall notify the City Clerk and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

(C) *Notice.* Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with § 154.14(C). If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in § 154.14(B).

(D) *Placarding.*

(1) Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(2) *Placard removal.* The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this code.

(E) *Prohibited occupancy.* Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or

shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

(F) *Abatement methods.* The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the Code Official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

(G) *Record.* The Code Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
(Ord. 776, passed 11-10-2015)

§ 154.16 EMERGENCY MEASURES.

(A) *Imminent danger.* When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "*This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.*" It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(B) *Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

(C) *Closing streets.* When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(D) *Emergency repairs.* For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(E) *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

(F) *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Appeals Board, be afforded a hearing as described in this code.
(Ord. 776, passed 11-10-2015)

§ 154.17 DEMOLITION.

(A) *General.* The Code Official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

(B) *Notices and orders.* Notices and orders shall comply with § 154.14.

(C) *Failure to comply.* If the owner of a premises or owner's authorized agent 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 charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(D) *Salvage materials.* When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.
(Ord. 776, passed 11-10-2015)

§ 154.18 APPEAL.

(A) *Application for appeal.* Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the City Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(B) *Notice of meeting.* The Council shall meet upon notice from the Mayor, within 20 days of the filing of an appeal, or at stated periodic meetings.

(C) *Open hearing.* Hearings before the board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of four Council members.

(D) *Procedure.* The Council shall adopt and make available to the public through the City Clerk procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(E) *Decision.* The Council shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of Council members.

(1) *Records and copies.* The decision of the Council shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

(2) *Administration.* The Code Official shall take immediate action in accordance with the decision of the Council.

(F) *Court review.* Any person, whether or not a previous party of the appeal, shall have the right to appeal any decision of the City Council to the District Court of Morrill County, Nebraska. Application for review shall be made in the manner and time required by law following the filing of the decision of the City Council with the City Clerk.

(G) *Stays of enforcement.* Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Appeals Board.
(Ord. 776, passed 11-10-2105)

§ 154.19 STOP WORK ORDER.

(A) *Authority.* Whenever the Code Official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop work order.

(B) *Issuance.* A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(C) *Emergencies.* Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work.

(D) *Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 or more than \$500.
(Ord. 776, passed 11-10-2015)

GENERAL REQUIREMENTS**§ 154.30 GENERAL PROVISIONS.**

(A) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(B) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this code. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(C) *Vacant structures and land.* Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety
(Ord. 776, passed 11-10-2015)

§ 154.31 EXTERIOR PROPERTY AREAS.

(A) *Sanitation.* Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

(B) *Grading and drainage.*

(1) Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

(2) Exception: Approved retention areas and reservoirs.

(C) *Sidewalks and driveways.* Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(D) *Weeds.*

(1) Premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches. Noxious weeds shall be prohibited. **WEEDS** shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(2) Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with § 154.13(C) and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. If the costs are not paid, a lien may be placed on the property by the city.

(E) *Rodent harborage.* Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

(F) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(G) *Accessory structures.* Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(H) *Junk.* Except as provided for in other regulations, no junk shall be allowed to accumulate, kept, or stored on any premises. The Code Official shall comply with the notice provisions of this code concerning abatement and removal of junk that is accumulated on any premises.

(I) *Defacement of property.*

(1) No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

(2) It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(Ord. 776, passed 11-10-2015)

§ 154.32 EXTERIOR STRUCTURE.

(A) *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(1) *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

(a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(c) Structures or components thereof that have reached their limit state;

(d) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

(e) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

(f) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(g) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(h) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

(i) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

(j) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(k) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(l) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

(m) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

(2) *Exceptions:*

(a) Where substantiated otherwise by an approved method.

(b) Demolition of unsafe conditions shall be permitted where approved by the Code Official.

(B) *Protective treatment.* Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

(C) *Premises identification.* Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

(D) *Structural members.* Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(E) *Foundation walls.* Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(F) *Exterior walls.* Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(G) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(H) *Decorative features.* Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(I) *Overhang extensions.* Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(J) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(K) *Chimneys and towers.* Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(L) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(M) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(1) *Glazing.* Glazing materials shall be maintained free from cracks and holes.

(2) *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(N) *Doors.* Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with this code.

(O) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(P) *Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(Q) *Building security.* Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

(1) *Doors.* Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of one inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(2) *Windows.* Operable windows located in whole or in part within six feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(3) *Basement hatchways.* Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(R) *Gates.* Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.
(Ord. 776, passed 11-10-2015)

§ 154.33 INTERIOR STRUCTURE.

(A) *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(1) *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

(a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(c) Structures or components thereof that have reached their limit state;

(d) Structural members are incapable of supporting nominal loads and load effects;

(e) Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(f) Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

(2) *Exceptions:*

(a) Where substantiated otherwise by an approved method;

(b) Demolition of unsafe conditions shall be permitted when approved by the Code

Official.

(B) *Structural members.* Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(C) *Interior surfaces.* Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(D) *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(E) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(F) *Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
(Ord. 776, passed 11-10-2015)

§ 154.34 COMPONENT SERVICEABILITY.

(A) *General.* The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

(1) *Unsafe conditions.* Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

(a) Soils that have been subjected to any of the following conditions:

1. Collapse of footing or foundation system;
2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
4. Inadequate soil as determined by a geotechnical investigation;

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5. Where the allowable bearing capacity of the soil is in doubt; or
6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

(b) Concrete that has been subjected to any of the following conditions:

1. Deterioration;
2. Ultimate deformation;
3. Fractures;
4. Fissures;
5. Spalling;
6. Exposed reinforcement; or
7. Detached, dislodged or failing connections.

(c) Aluminum that has been subjected to any of the following conditions:

1. Deterioration;
2. Corrosion;
3. Elastic deformation;
4. Ultimate deformation;
5. Stress or strain cracks;
6. Joint fatigue; or
7. Detached, dislodged or failing connections.

(d) Masonry that has been subjected to any of the following conditions:

1. Deterioration;
2. Ultimate deformation;

3. Fractures in masonry or mortar joints;
 4. Fissures in masonry or mortar joints;
 5. Spalling;
 6. Exposed reinforcement; or
 7. Detached, dislodged or failing connections.
- (e) Steel that has been subjected to any of the following conditions:
1. Deterioration;
 2. Elastic deformation;
 3. Ultimate deformation;
 4. Metal fatigue; or
 5. Detached, dislodged or failing connections.
- (f) Wood that has been subjected to any of the following conditions:
1. Ultimate deformation;
 2. Deterioration;
 3. Damage from insects, rodents and other vermin;
 4. Fire damage beyond charring;
 5. Significant splits and checks;
 6. Horizontal shear cracks;
 7. Vertical shear cracks;
 8. Inadequate support;
 9. Detached, dislodged or failing connections; or

10. Excessive cutting and notching.

(2) *Exceptions:*

(a) Where substantiated otherwise by an approved method;

(b) Demolition of unsafe conditions shall be permitted where approved by the Code

Official.

(Ord. 776, passed 11-10-2015)

§ 154.35 HANDRAILS AND GUARDRAILS.

(A) *General.* Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

(B) *Exception:* Guards shall not be required where exempted by the adopted Building Code.
(Ord. 776, passed 11-10-2015)

§ 154.36 RUBBISH AND GARBAGE.

(A) *Accumulation of rubbish or garbage.* Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

(B) *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(1) *Rubbish storage facilities.* The owner of every occupied premises shall use approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish by depositing rubbish in the approved containers provided by the city.

(2) *Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

(C) *Disposal of garbage.*

(1) Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(2) *Garbage facilities.* The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder or disposal in each dwelling unit.
(Ord. 776, passed 11-10-2015)

§ 154.37 PEST ELIMINATION.

(A) *Infestation.* Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

(B) *Owner.* The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

(C) *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

(D) *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

(E) *Occupant.*

(1) The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

(2) *Exception:* Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.
(Ord. 776, passed 11-10-2015)

§ 154.38 UNLICENSED, ABANDONED, JUNK AND SALVAGE VEHICLES.

(A) *Definitions.* For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. Any vehicle left for more than 72 hours on any street that is unlicensed.

SALVAGE, JUNK or SCRAP VEHICLE. Any vehicle as partially disassembled, missing doors, windows, wheels and/or tires and other parts.

UNLICENSED VEHICLE. Any vehicle that does not maintain current license plate and tags as issued by the County Clerk.

(B) *Prohibitions.*

(1) (a) In residential districts within the city, no more than two unlicensed vehicles, which would otherwise be operational, shall be stored outside of buildings on residential properties. No salvage, junk or inoperable vehicles may be stored outside of buildings on residential properties except for vehicles that are undergoing temporary repairs.

(b) For purposes of this section, **TEMPORARY REPAIRS** shall be repairs that shall be completed within six months without extensions.

(c) No scrap, junk or salvage vehicles, as defined herein, shall be maintained on any residential property for more than 30 days.

(2) Vehicles in Central Business and General Commercial zoning districts may be stored outside of buildings. Motor vehicles stored outside in these districts must be parked or arranged on property in an orderly state and in a manner that allows fire vehicles and safety personnel access to the property without danger to life or equipment. Vehicles must be stored and maintained so the area around vehicles remains in compliance with the provisions of the Property Maintenance Code and this Code of Ordinances concerning the height of weeds and grasses.

(3) No scrap or junk vehicles may be stored in a Central Business and General Commercial zoning district so as to constitute a junkyard where junk as defined in the this Code of Ordinances and Property Maintenance Code. Vehicles that are partially salvaged or missing components such as doors, hoods, windshields or unmaintained wheels and/or tires shall be considered junk vehicles and shall not be allowed to remain on premises in Central Business and General Commercial zoning districts for more than six months without extensions.

(C) These provisions shall not apply to any vehicle being repaired or restored as part of a commercial transaction, so long as there is on-going progress concerning the restoration of the vehicle (Ord. 784, passed 5-10-2016)

COSTS AND PENALTIES

§ 154.50 LEVY OF COSTS.

Pursuant to Neb. RS 18-1722, the city is authorized to levy the cost of any remedial efforts, demolition, and/or repairs as described in this chapter, as a special assessment against the lot or real estate upon which the violating 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.
(Ord. 776, passed 11-10-2015)

§ 154.51 COSTS.

In addition to levying a special assessment, the city may collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.
(Ord. 776, passed 11-10-2015)

§ 154.52 PENALTIES.

Any violation of this chapter shall be considered a Code of Ordinances violation and shall be punishable by fine, not to exceed \$500. This chapter contains more specific fines in individual sections. Penalties for violations of this chapter, with reference to those sections shall take precedence over this general violation section.
(Ord. 776, passed 11-10-2015)

APPENDIX A: REFERENCED STANDARDS

This Appendix lists the standards that are referenced in various sections of this chapter. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this chapter that reference the standard. The application of the referenced standards shall be as specified in § 154.02(G).

- (A) **ASME** American Society of Mechanical Engineers
 Three Park Avenue
 New York, NY 10016-5990

*Standard
reference
number*

Title

ASME
A17.1/CSA B44

2013 Safety Code for Elevators and Escalators

- (B) **ASTM** ASTM International
 100 Barr Harbor Drive
 West Conshohocken, PA 19428-2959

*Standard
reference
number*

Title

F1346-91
(2010)

Performance Specifications for Safety Covers
and Labeling Requirements for all Covers for
Swimming Pools, Spas and Hot Tubs

- (C) **ICC** International Code Council
 500 New Jersey Avenue, NW
 6th Floor
 Washington, DC 20001

*Standard
reference
number*

Title

IBC-15
IEBC-15

International Building Code
International Existing Building Code

Bayard - Land Usage***Standard
reference
number******Title***

| | |
|---------|--------------------------------|
| IFC-15 | International Fire Code |
| IFGC-15 | International Fuel Gas Code |
| IMC-15 | International Mechanical Code |
| IPC-15 | International Plumbing Code |
| IRC-15 | International Residential Code |
| IZC-15 | International Zoning Code |

(D) NFPA National Fire Protection Association
 1 Batterymarch Park
 Quincy, MA 02269

***Standard
reference
number******Title***

| | |
|-------|---|
| 25-14 | Standard for the Inspection, Training and Maintenance of Water-Based Fire Protection Systems |
| 70-14 | National Electrical Code |

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