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GENERAL PROVISIONS

§ 150.01 BUILDING CODE.

(A) Portions of standard codes and additional requirements, rules and regulations specified below are hereby adopted as the Building Code of the City of La Vista for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefor. Provisions of the standard codes and additional requirements, rules and regulations adopted herein shall be applied, interpreted and construed together and consistently to the extent possible. Unless otherwise indicated by context or otherwise, references to any table, section or subsection shall mean the corresponding provision of the relevant standard code.

(B) (1) *International Building Code provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the *International Building Code, 2018 Edition*, ("IBC") are on file in the office of the City Clerk of the City of La Vista. With the exception of portions of § 105.2 preceding § 105.2.1, the following portions of said IBC are hereby adopted: Chapters 1 thru 35 inclusive, and Appendices "E", Supplementary Accessibility Requirements, and "I", Patio Covers, ("adopted IBC provisions"); and each and all of the regulations, provisions, conditions and terms of such adopted IBC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from permit (adopted in lieu of portions of IBC § 105.2 preceding § 105.2.1).* Exemptions from permit requirements of the adopted IBC provisions shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of said adopted IBC provisions or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. *Building.*

a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 79 square feet.

b. Oil derricks.

c. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

- d. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- e. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- f. Temporary motion picture, television and theater stage sets and scenery.
- g. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep and installed entirely above ground.
- h. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- i. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- j. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and Group U occupancies.
- k. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.

2. *Electrical.*

- a. *Repairs and maintenance.* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- b. *Radio and television transmitting stations.* Adopted IBC provisions shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.
- c. *Temporary testing systems.* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

3. *Gas.*

- a. Portable heating appliance.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

4. *Mechanical.*

- a. Portable heating appliance.
- b. Portable ventilation equipment.
- c. Portable cooling unit.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by adopted IBC provisions.
- e. Replacement of any part which does not alter its approval or make it unsafe.
- f. Portable evaporative cooler.
- g. Self-contained refrigeration system containing ten pounds (5 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

5. *Plumbing.*

a. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) *Any Group "A" occupancies with alcoholic beverages (adopted in addition to those requirements listed in adopted IBC provisions, § 903.2.1.1 through § 903.2.1.5).* An automatic sprinkler system shall be installed throughout any building with any Group "A" exceeding 1,000 square feet and where there is liquor, wine, or beer license issued and/or where the occupants consume alcoholic beverages.

(c) *Criteria (adopted in addition to those requirements listed in adopted IBC provisions, § 1601.1).* The climate and geographical design criteria for building construction in La Vista Nebraska shall be:

- 1. Ground/snow load 30 lbs psf;
- 2. Wind speed 115 mph for a three-second gust with exposure "C";

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3. Seismic design category "B";
4. Weathering probability for concrete "B";
5. Frost line depth 42 inches;
6. Termites, moderate to heavy;
7. Decay, slight to moderate;
8. Winter design temperature, minus five degrees.

(d) *Collapsible soils (adopted in addition to those requirements listed in adopted IBC provisions, § 1804.1 through § 1804.4).* Portions of the Omaha Metro area are underlain by low unit weight soils that can collapse when saturated. Additional studies shall be made to evaluate the presence and extent of the collapsible soils and to assess the effects of any collapsible soils identified at the site on the performance of the structure.

(e) *Markings (adopted in addition to those requirements listed in adopted IBC provisions, § 2303.4.1).* Each truss shall be legibly branded, marked, or otherwise have permanently affixed thereto the following information located within two feet of the center of the span on the face of the bottom chord:

1. Identify the company manufacturing the truss;
2. The design load;
3. The spacing of the truss.

(f) *Vertical support requirements for decks and porches.* Vertical supports for decks and porches shall be wood posts of not less than six inches by six inches in dimension. Underlying footings shall meet the foundation specifications of adopted IBC provisions.

(g) *Rain water (adopted in addition to those requirements listed in adopted IBC provisions § 1503.5).*

1. When roofs are sloped to drain over the edge, scuppers or gutters and down spouts, adequately sized, pitched and supported shall be installed to conduct rain water to ground level. Rain water shall be discharged at least three feet away from the building foundation in a direction parallel to the adjoining property line when the discharge point is within 20 feet of the adjoining property line.

2. *Exception.* Structures with no sub-grade spaces.

- (h) Permanent Wood Foundation Systems, IBC §1807.1.4, shall be deleted in its entirety.
- (i) Timber Footings, IBC §1809.12, shall be deleted in its entirety.

(C) (1) *International Residential Code provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the International Residential Code, 2018 Edition, ("IRC") are on file in the Office of the City Clerk of the City of La Vista. With the exception of portions of § R105.2 preceding § R105.2.1, and §§ R305.1, R311.7.2, R311.7.8.2, R313.1, R313.1.1, R313.2, R313.2.1, R317.1, R502.6.2, R903.4, R908.1, and R1102.1.2, the following portions of said IRC are hereby adopted: Chapters 1 through 42, inclusive, Chapter 44, and Appendices "F", Radon Control Methods, "H", Patio Covers, "J", Existing Buildings and Structures, and "K", Sound Transmission, ("adopted IRC provisions"); and each and all of the regulations, provisions, conditions and terms of such adopted IRC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from a permit (adopted in lieu of portions of IRC § R105.2 preceding § R105.2.1).* Permits shall not be required for the following. Exemption from the permit requirements of the adopted IRC provisions shall not be deemed to grant authorization for any work to be done in any manner in violation of the adopted IRC provisions or any other laws or ordinances of this jurisdiction.

1. *Building.*

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 79 square feet.
- b. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- c. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- d. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
- e. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
- f. Swings and other playground equipment accessory to a one-or two-family dwelling.

g. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

2. *Electrical. Repairs and maintenance.* A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

3. *Gas.*

a. Portable heating, cooking or clothes drying appliances.

b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

c. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

4. *Mechanical.*

a. Portable heating appliances.

b. Portable ventilation appliances.

c. Portable cooling units.

d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the adopted IRC provisions.

e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

f. Portable evaporative coolers.

g. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.

h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

5. *Plumbing.*

a. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the adopted IRC provisions.

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) *Headroom (adopted in lieu of IRC § R311.7.2).* The minimum headroom in all parts of the stairway shall not be less than six feet eight inches (2,036 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform. The Building Official shall have the authority to waive the requirements of this section where pre-existing conditions will not allow the requirement to be met.

(c) *Continuity (adopted in lieu of IRC § R311.7.8.4).*

1. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than one and one-half inch (38 mm) between the wall and the handrail.

2. *Exceptions.*

a. Handrails shall be permitted to be interrupted by a newel post at the turn.

b. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

c. Handrails for stairways shall be permitted to have no more than a four-inch (102 mm) break due to wall offsets and other ornamental features.

(d) *Townhouse automatic fire sprinkler systems (adopted in lieu of IRC § R313.1).* An automatic residential fire sprinkler system is not required to be installed in townhouses.

(e) *Design and installation (adopted in lieu of IRC § R313.1.1).* When a non-required automatic residential fire sprinkler is intended to be installed within a townhouse, the system shall be designed and installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R.

(f) *One and two family dwellings automatic fire systems (adopted in lieu of IRC § R313.2).* An automatic residential fire sprinkler system is not required to be installed in one and two family dwellings.

(g) *Design and installation (adopted in lieu of IRC § R313.2.1).* When an automatic residential fire sprinkler system is intended to be installed, it shall be designed and installed in accordance with NFPA 13, NFPA 13D, or NFPA13R.

(h) *Location required (adopted in lieu of IRC § R317.1).* Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWP A U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of the AWP A U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (456 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.
2. All wood framing members, sills, or plates that rest on concrete or masonry exterior walls.
3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.
5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than six inches (152 mm) from the ground.
6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.
7. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below grade except where an approved vapor retarder is applied between the wall and the furring strips or framing members.

(i) *Roof drainage (adopted in lieu of IRC § R903.4).*

1. When roof sloped to drain over the edge, scuppers or gutters and down spouts adequately sized, pitched and supported, shall be installed to conduct rainwater to ground level. Rainwater shall be discharged at least three feet away from the building foundation in a direction parallel to adjoining property line.

2. *Exception.* Structures with no sub-grade spaces.

(j) *Re-covering versus replacement (adopted in lieu of IRC § R908.1).* New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.

2. Where the existing roof covering is wood shake, wood shingles, slate, clay, cement or asbestos-cement tile.

3. Where the existing roof has two or more applications of any type of roof covering.

4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to § R905.1.

5. *Exceptions.*

a. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.

b. Installation of metal panel, metal shingle, and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with § R908.4.

c. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.

(k) *U-factor alternative (adopted in lieu of IRC § N1102.1.2).*

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1. An assembly with a U-factor equal to or less than that specified in Table N1102.1.4 shall be permitted as an alternative to the R-value in Table N1102.1.2

2. *Exception.* For mass walls not meeting the criterion for insulation location in § N1102.2.5, the U-factor shall be permitted to be:

- a. U-factor of 0.17 in Climate Zone 1.
- b. U-factor of 0.14 in Climate Zone 2.
- c. U-factor of 0.12 in Climate Zone 3.
- d. U-factor of 0.10 in Climate Zone 4 except Marine.
- e. U-factor of 0.082 in Climate Zone 5 and Marine 4.
- f. Single-family dwellings, two-family dwellings and townhomes with a window to wall ratio greater than 15% must conform to the State of Nebraska Energy Code.

(D) *International Existing Building Code adopted by reference.* Certain documents in book form, two copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the International Existing Building Code, 2018 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such International Existing Building Code, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(E) *International Swimming Pool And Spa Code adopted by reference.* Certain documents in book form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *International Swimming Pool And Spa Code*, 2018 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Swimming Pool And Spa Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(F) *International Energy Conservation Code adopted by reference.* Certain documents in book form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *International Energy Conservation Code*, 2018 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Energy Conservation Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(G) *Life Safety Code adopted by reference. NFPA 101 Life Safety Code 2012 Edition adopted.*

Certain documents in book or pamphlet form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *NFPA 101 Life Safety Code, 2012 Edition* (“LSC”), modified as described below, are hereby incorporated herein and adopted, and each and all of the regulations, provisions, conditions and terms of such LSC, and all amendments, revisions or editions thereto on file in the office of the City Clerk of the City of La Vista, are hereby referred to, incorporated, adopted and made a part hereof as if fully set out herein. The LSC is hereby adopted as amended, altered, modified and changed in the following respects: all provisions set forth within the *Nebraska Administrative Code Title 153 - State Fire Marshal* shall control except for those provisions set forth in Title 153, Chapter 20: “Fees for Inspection for Fire Safety,” which fees instead shall be as determined and set forth from time to time by the Mayor and City Council in the La Vista Master Fee Ordinance.

(H) *International Fire Code adopted by reference. International Fire Code 2018 Edition adopted.*

Certain documents in book or pamphlet form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *International Fire Code, 2018 Edition* (“IFC”), modified as described below, are hereby incorporated herein and adopted, and each and all of the regulations, provisions, conditions and terms of such IFC, and all amendments, revisions or editions thereto on file in the office of the City Clerk of the City of La Vista, are hereby referred to, incorporated, adopted and made a part hereof as if fully set out herein. The IFC is hereby adopted as amended, altered, modified and changed in the following respects:

(1) Specifically adopted are:

- (a) The IFC, Chapters 1 through 67, inclusive, and Chapter 80.
- (b) The IFC, Appendices B, E, F, G, H, and I.

(2) Specifically not adopted are the IFC, Appendices A, C, D, J, K, L, M, and N.

(3) The IFC shall apply to the construction, alteration, enlargement, replacement or repair of all buildings and structures, and any new construction required as a result of moving any building.

(4) *Amendments.*

(a) **101.1 Title.** These provisions shall be known as the *International Fire Code* of the City of La Vista, Sarpy County, Nebraska, shall be cited as such and will be referred to herein as “this code.”

(b) **Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces.** (Page 46-47) Sections 307.1 through 307.5 of the IFC are hereby deleted in their entirety. Sections 307.6 through 307.7 are hereby added as set forth below:

La Vista - Land Usage**(1) 307.6 Definitions.**

(A) For the purposes of this section, the following terms shall have the meanings indicated:

OPEN BURNING

Using fire to burn material which is not contained within a fully enclosed firebox or structure and from which the products of combustion are permitted directly to the open atmosphere without passing through a stack, duct or chimney or burning that is conducted in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings not larger than ¼ inch square. Charcoal fires, or fire of other commonly accepted cooking fuels, which are contained within a manufactured hibachi, grill, smoker or gas grill, do not constitute open burning.

- (2) 307.7 General.** Except as otherwise provided herein or elsewhere in the municipal code, no person, firm or corporation shall burn or cause to be burned any material, item or thing within the city limits or within its two mile extraterritorial jurisdiction in any residential or commercially developed areas.

Exceptions.

1. This section shall not apply to and no permit shall be required for any burning which is necessary for the usual and customary preparation and/or cooking of food, including the use of normal barbecuing devices.
2. The Fire Chief or designee may waive the open burning ban under this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief or designee to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief or designee and on a form approved by the State Fire Marshal.
3. The Fire Chief or designee may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the Fire Chief or designee.
4. The burning of dry wood in a small container manufactured for the purpose of containing small recreational fires may be allowed on the property of one- or two-family residential dwellings, in accordance with the following standards:

4.1 Such fires shall be under constant supervision while burning.

4.2 The fire and/or burning must be of such limited size as to allow the person in charge to have complete control over it.

4.3 The fire and/or burning must not create a nuisance or a hazard to the health or the safety of persons or property in the area. Fires producing smoke that is a nuisance shall be extinguished. The Fire Chief or designee is authorized to order the extinguishment by the attendant in charge or by the Fire Department of open burning that creates or adds to a hazardous or objectionable situation.

4.4 The burning of garbage, trash, leaves or other refuse shall not be permitted.

4.5 The burning or igniting of highly flammable, toxic or explosive materials shall not be permitted.

(c) **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with § 503.6, and an unobstructed vertical clearance of not less than 13 feet six inches.

(d) **503.2.7 Grade.** The grade of the fire apparatus access road shall be a maximum of 10% or within the limits established by the Fire Code Official based on the Fire Department's apparatus.

(e) **510.1 Emergency responder radio coverage in new buildings.** New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication system utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety systems.

Exceptions.

1. Where approved by the building official and the fire code official a wired communication system in accordance with § 907.2.12.2 shall be permitted to be installed or maintained instead of an approved of an approved radio system.
2. Where it is determined by the Fire Code Official that the radio coverage is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment could have a negative impact on the normal operations of that facility, the Fire Code Official shall have the authority to accept an automatically activated emergency responder radio coverage system.

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4. Any new buildings under 35,000 square feet.

(f) **903.2.8 Group R.**

Exceptions. A sprinkler system is not required when all of the following conditions exist:

1. The building is R-2 occupancy and contains eight or fewer apartment units.
2. Separation is maintained between living units by means of one-hour fire partitions creating a complete vertical separation from foundation to roof.
3. Each living unit has its own separate exit access independent of other living units.

(g) **1103.2 Emergency responder radio coverage in existing buildings.** Existing buildings other than Group R-3, that do not have approved radio coverage for emergency responders in the building based on existing coverage for levels of the public safety communication systems, shall be equipped with such coverage according to on of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with § 510.1, Exception 1.
2. Within a time frame established by the adopting authority.

Exceptions.

1. Where it is deemed by the Fire Code Official that the radio coverage system is not needed.
2. If the building or structure is under 35,000 square feet.

(h) **CHAPTER 56 Explosives and fireworks.** Sections 5601.1 through 5609.1 of the *International Fire Code* are hereby deleted in their entirety. Section 5610.1 is hereby added as set forth below:

5610.1 General. The possession, storage, sale, handling, and use of 'consumer fireworks,' shall meet the requirements defined by Neb. RS 28-1241 as amended, and applicable provisions of the La Vista Municipal Code.

(I) *Uniform Code for the Abatement of Dangerous Buildings adopted by reference.* Certain documents in book form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *Uniform Code for the Abatement of Dangerous Buildings*, 1985 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *Uniform Code for the Abatement of Dangerous Buildings*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(J) *Unsafe buildings.* In addition to any applicable provisions of the Building Code, the Municipal Code or other laws, regulations or rules, all buildings and structures existing in violation of any provisions of the *International Building Code*, *International Fire Code* or *NFPA Life Safety Code 101*, as adopted in this § 150.01, upon determination by an applicable enforcement official that the violation represents a significant risk of damage or loss to persons or property, shall constitute an unsafe building or structure.

(‘79 Code, § 9-301) (Am. Ord. 517, passed 1-15-91; Am. Ord. 723, passed 4-7-98; Am. Ord. 966, passed 1-3-06; Am. Ord. 1061, passed 6-17-08; Am. Ord. 1089, passed 4-7-09; Am. Ord. 1128, passed 8-17-10; Am. Ord. 1270, passed 3-15-16; Am. Ord. 1439, passed 2-1-22)

§ 150.02 MECHANICAL CODE.

The standard codes specified below are hereby adopted as the Mechanical Code of the City of La Vista to regulate and provide complete and certain minimum standards, provisions and requirements for the design, construction, installation quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat producing appliances, as well as the design and installation of fuel gas systems and gas-fired appliances through requirements that emphasize performance, within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore.

(A) *International Mechanical Code adopted by reference.* Certain documents in book form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *International Mechanical Code*, 2018 Edition, including all appendices, published by the International Code Council, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Mechanical Code*, 2018 Edition, and all appendices, amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(B) *International Fuel Gas Code adopted by reference.* Certain documents in book form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *International Fuel Gas Code*, 2018 Edition, including all appendices, published by the International Code Council, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Fuel Gas Code*, 2018 Edition, and all appendices, amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out in herein.

('79 Code, § 9-302) (Am. Ord. 517, passed 1-15-91; Am. Ord. 723, passed 4-7-98; Am. Ord. 966, passed 1-3-06; Am. Ord. 1128, passed 8-17-10; Am. Ord. 1270, passed 3-15-16; Am. Ord. 1439, passed 2-1-22)

§ 150.03 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.

(A) Certain documents in book form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as *International Property Maintenance Code*, 2018 Edition, prepared by the International Code Council, and all amendments, revisions or editions be, and the same are, hereby adopted as the Property Maintenance Code of the City of La Vista 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 existing structures in the City of La Vista; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Property Maintenance Code*, 2018 Edition, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista are hereby referred to, adopted and made a part hereof as it fully set out in this section.

(B) *Additional requirements, rules and regulations adopted.*

(1) *Windows, skylight and door frames (adopted in addition to IPMC § 304.13).*

304.13.3. Whenever there has been damage to non-structural building elements of a vacant residence, see § 108.2, the owner of such property (in addition to any obligation under the IPMC) is required to immediately secure and ensure the continued security of such structure. To specify and not limit the immediately preceding sentence, any such structure that has windows, skylights or doors covered to secure the building due to damage of windows, skylights, doors or door frames, may only be allowed to cover the damaged

openings for a period of 60 days. After such time the owner will then make permanent corrections to the openings within the time specified by the Building Official pursuant to IPMC § 304.18.4. If any openings are not secured or corrected in accordance with IPMC §§ 304.13.3 or 304.18.4, the Building Official is authorized to perform such work or cause such work to be performed by any available means, including without limitation, contracting with any public or private person, entity, or agency. The property owner shall be liable for the costs of such work, and such costs shall constitute a lien on the real estate upon which the structure is located, which costs and lien may be collected, foreclosed or otherwise pursued by the Building Official or the Building Official’s designee using any available legal or equitable means or remedies. Any action or exercise of authority by or at the direction of the Building Official pursuant to this § 304.13.3 shall be carried out in accordance with applicable laws. Provisions of this § 304.13.3 shall apply, notwithstanding any other provisions of the IPMC to the contrary.

- (2) *Vacant structures (adopted in addition to IPMC § 304.18).*

304.18.4. Whenever there has been damage to non-structural building elements of a vacant residence, see § 108.2, the owner of any such property (in addition to any obligation under the IPMC to secure such structure) shall obtain a building permit and correct all such damage and any other violations specified in the notice or order to correct issued by the Building Official. All work shall be completed within the time specified in the notice or order, which shall be no later than six months after such notice or order is issued. If the work is not completed within the applicable time, the Building Official is authorized to perform such work or cause such work to be performed by any available means, including without limitation, contracting with any public or private person, entity, or agency. The property owner shall be liable for the costs of such work, and such costs shall constitute a lien on the real estate upon which the structure is located, which costs and lien may be collected, foreclosed or otherwise pursued by the Building Official or the Building Official’s designee using any available legal or equitable means or remedies. Any action or exercise of authority by or at the direction of the Building Official pursuant to this § 304.18.4 shall be carried out in accordance with applicable laws. Provisions of this § 304.18.4 shall apply, notwithstanding any other provisions of the IPMC to the contrary.

(‘79 Code, § 9-401) (Am. Ord. 517, passed 1-15-91; Am. Ord. 723, passed 4-7-98; Am. Ord. 1086, passed 4-7-09; Am. Ord. 1270, passed 3-15-16; Am. Ord. 1439, passed 2-1-22)

§ 150.04 PLUMBING CODE ADOPTED BY REFERENCE.

Certain documents in book form, two copies of which are on file in the office of the City Clerk of the City of La Vista and being marked and designated as the *International Plumbing Code, 2018 Edition*, including Appendix “E”, Sizing of Water Piping System, and Appendix “C”, Structural Safety, are hereby adopted as the Plumbing Code of the City of La Vista to regulate and provide certain minimum

standards, provisions and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and plumbing related work within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Plumbing Code*, 2018 Edition, and specified appendices, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

('79 Code, § 9-501) (Am. Ord. 517, passed 1-15-91; Am. Ord. 723, passed 4-7-98; Am. Ord. 966, passed 1-3-06; Am. Ord. 1128, passed 8-17-10; Am. Ord. 1270, passed 3-15-16; Am. Ord. 1439, passed 2-1-22)

§ 150.05 ELECTRICAL CODE ADOPTED BY REFERENCE.

Certain documents in book form, two copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *National Electric Code*, 2017 Edition, including amendments thereto recommended by the National Fire Protection Association and published by the National Fire Protection Association, 2017 Edition, are hereby adopted as the Electrical Code of the City of La Vista to regulate and provide complete and certain minimum standards, provisions and requirements for electrical wiring of buildings, structures, machinery and equipment for light and power, safe and fireproof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *National Electric Code*, 2017 Edition, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

('79 Code, § 9-601) (Am. Ord. 517, passed 1-15-91; Am. Ord. 723, passed 4-7-98; Am. Ord. 966, passed 1-3-06; Am. Ord. 1128, passed 8-17-10; Am. Ord. 1270, passed 3-15-16; Am. Ord. 1439, passed 2-1-22)

§ 150.06 PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS.

(A) *Generally.*

(1) Except as otherwise provided, no person shall maintain, own, erect, construct, remodel, renovate, or provide an addition of more than 20% to any building or structure or any part thereof or cause the same to be done which fails to support adequate radio coverage for the Sarpy County Radio Communications System (SCRCS), including but not limited to emergency service workers, firefighters, and police officers.

(2) Descriptively, adequate coverage means:

(a) The ability for SCRCS users to transmit into the building an intelligible voice signal that may be heard;

(b) The ability to receive an intelligible voice signal transmitted and originating from within the building; and

(c) The ability to transmit and receive intelligible voice signals among users who are within the building.

(2) For purposes of this section, adequate radio coverage shall include all of the following:

(a) A minimum received signal strength in the building of one micro volt (-107 dBm) available in 90% of the area of each floor when transmitted from the SCRCS;

(b) A minimum signal strength of one micro volt (-107 dBm) received by the SCRCs when transmitted from 90% of the area of each floor of the building;

(c) The frequency range that must supported shall be 806 MHz to 869 MHz; and

(d) A 90% reliability factor shall be required.

(B) *Testing procedures.*

(1) *Initial tests.* It will be the building owner's responsibility to have the building tested to ensure that two-way coverage on each floor of the building is a minimum of 90%. At a minimum, the test shall be conducted using a Motorola MTS 2000, or equivalent portable radio, talking through the SCRCs. Radios may be obtained for conduct of the tests from the Sarpy County Communications Department (SCCD). The gain values of all amplifiers shall be measured, and the test measurement results shall be provided to the SCCD and kept on file so that the measurements can be verified each year during the annual tests. The SCCD will be informed of the schedule for such testing and, at its discretion, may participate as an observer. A certificate of occupancy shall not be issued to any structure if the building fails to comply with this section.

(2) *Annual tests.* The building owner shall be responsible to conduct annual tests. Such tests shall follow the guidance outlined divisions (A) and (B)(1) of this section.

(C) *Amplification systems allowed.* Buildings and structures that cannot support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC accepted bi-directional amplifiers as needed. If used, bi-directional amplifiers shall include filters to reduce adjacent frequency interference at least 35 dB below the National Public Safety Planning Advisory Committee (NPSPAC) band. The filters shall be tuned to 825 MHz and to 870 MHz so that they will be 35 dB below the NPSPAC frequencies of 824 MHz and to 869 MHz, respectively. Other settings may be used provided that they do not attenuate the NPSPAC frequencies and further provided that they are not more than one MHz from the NPSPAC frequencies. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input.

(D) *Filed testing.* SCCD personnel, after providing reasonable notice to the owner or his or her representative, shall have the right to enter onto the property to conduct field testing to be certain that the required level of radio coverage is present.

(E) *Exemptions.* This section shall not apply to buildings permitted in residential districts, any building constructed of wood frame, or any building 35 feet high or less, as long as none of the aforementioned buildings make use of any metal construction or any underground storage or parking areas. For purposes of this section building and stair shafts are included in the definition of "all parts of a building," but elevators may be excluded.

§ 150.07 CONFLICTS.

Where the provisions adopted by this chapter conflict with one another or with the provisions of this city code, the most restrictive or stringent provisions shall govern.
(‘79 Code, § 9-901)

BUILDING PERMITS**§ 150.15 APPLICATION.**

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 City Clerk an application for a building permit. The application shall be in writing on a form to be furnished by the City 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. The application, plans and specifications so filed with the City Clerk shall be checked and examined by the Building Inspector and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the Building Inspector shall issue the applicant a permit upon the payment of the permit fee set by resolution of the City Council. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.

(‘79 Code, § 9-201)

Statutory reference:

Authority to regulate public buildings, see Neb. RS 16-233

Authority to regulate construction and safety, see Neb. RS 16-234

§ 150.16 LIMITATION.

If the work for which a permit has been issued shall not have begun within six months of the date thereof, or if the construction is discontinued for a period of six months, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

(‘79 Code, § 9-202)

§ 150.17 DUPLICATE TO COUNTY ASSESSOR.

Whenever a building permit is issued for the erection, alteration or repair of any building within the city's jurisdiction and the improvement is \$1,000 or more, a duplicate of such permit shall be issued to the County Assessor.

(Neb. RS 18-1743) ('79 Code, § 9-203)

CERTIFICATES OF OCCUPANCY

§ 150.30 CERTIFICATES OF OCCUPANCY; EXEMPTIONS.

(A) *Use or occupancy.* No vacant land shall be occupied, no building or structure shall be used or occupied and no change or alteration in the existing occupancy classification of a building, structure or portion thereof shall be made until the Building Inspector has issued a certificate of occupancy therefor as provided herein.

(B) *Temporary vacancy.* The occupancy of a building, structure or land shall not be deemed to have changed because of a temporary vacancy or when the only change made is one of ownership or tenancy.

(C) *Exemptions.* Noncommercial recreational occupancies of vacant land; agricultural and horticultural occupancies of vacant land when conducted exclusively for the use of the owner of the land or his or her tenant; home occupancies as defined in the Chapter 154.

('79 Code, § 9-701)

§ 150.31 ISSUANCE.

After final inspection, when it is found that the building or structure complies with the provisions of this chapter, the Building Inspector shall issue a certificate of occupancy which shall contain the following:

(A) The building permit number.

(B) The address of the building.

(C) A description of that portion of the building for which the certificate is issued.

(D) A statement that the described premises or building complies with all applicable provisions of this chapter and Chapter 154 at that time, or that such occupancy is a permitted nonconforming use.

(E) The purpose for which the land or building may be occupied in whole or in its several parts, together with the number of occupants that may be accommodated in its several stories in whole or in part thereof, in case such number is limited by a provision of law or by the permit and all special stipulations of the permit, if any.

('79 Code, § 9-702)

§ 150.32 TEMPORARY CERTIFICATE.

A temporary certificate of occupancy may be issued by the Building Inspector for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

('79 Code, § 9-703)

§ 150.33 POSTING.

The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Inspector.

('79 Code, § 9-704) Penalty, see § 150.99

SWIMMING POOLS

§ 150.45 PURPOSE.

The purpose of this subchapter is to regulate the construction, maintenance and operation of swimming pools; to maintain a neat, pleasant appearing environment; to provide uniform standards of construction, maintenance and operation in order to assure compatibility of swimming pools and surrounding land usage; and to promote and maintain the safety, environment and general welfare of persons and their property in the vicinity of swimming pools and the public generally.

('79 Code, § 9-801)

§ 150.46 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL SWIMMING POOL. A swimming pool operated for profit.

NONCOMMERCIAL SWIMMING POOL. A swimming pool maintained by a private club or group, not operated for profit, limited to a specific number of members or residents of a block, subdivision, neighborhood or community for the exclusive use of those members or residents and their guests.

PRIVATE SWIMMING POOL. A swimming pool maintained by an individual for use solely by his or her household and guests, without payment of any fee, which is located as an accessory structure on the same lot as his or her residence.

SWIMMING POOL. Any aboveground or belowground body of water in an artificial or semi-artificial receptacle or other container, over two feet in depth used or intended to be used for swimming or bathing. The term includes all structures, equipment and fixtures, such as filters and pumps, which are appurtenant to and intended for the operation and maintenance of a swimming pool. ('79 Code, § 9-802)

§ 150.47 PERMITS.

(A) *Building permit.*

(1) Before work is commenced on the construction of a swimming pool, (or any alteration, addition, remodeling or other improvement to such swimming pool), application for a building permit shall be made. Each building permit application for a belowground swimming pool shall be accompanied by two sets of construction drawings, a plot plan and a surveyor's certificate. Each building permit application for an aboveground swimming pool shall be accompanied by two sets of construction drawings and a plot plan. The required construction plans for both belowground and aboveground swimming pools shall include the following information, as well as such other data as may be reasonably required by the City Building Inspector:

- (a) The dimensions of the pool, including its length, width and depth.
- (b) The water capacity of the pool in gallons.
- (c) Diagrams showing the size of all pipes and valves.
- (d) A description of the pool's filter system and capacity.
- (e) A description of the overflow gutters or skimmers.

(2) The building permit application and accompanying items shall be submitted to the City Building Inspector for his or her examination and approval.

(B) *Plumbing permit.* Before work is commenced on the construction of a swimming pool, the appropriate plumbing permit must be secured from the City Building Inspector.

(C) *Electrical permit.* Before work is commenced on the construction of a swimming pool, the appropriate electrical permit must be secured from the City Building Inspector.

(D) Before issuing the required permits, the City Building Inspector shall determine that the swimming pool will comply with the provisions of this subchapter and all other applicable city code sections.

(‘79 Code, § 9-803) Penalty, see § 150.99

§ 150.48 INSPECTION AND OPENING OF POOLS.

(A) *Inspection of swimming pools.* The City Building Inspector shall inspect each swimming pool at least once a year.

(B) *Opening of private swimming pools.* No private swimming pool may be used until the City Building Inspector has inspected the same and approved its design and construction.

(C) *Opening of commercial and noncommercial swimming pools.* No commercial or noncommercial swimming pool may be opened until the City Building Inspector has been shown evidence of inspection and certification by the Nebraska State Department of Health, Division of Environmental Engineering.

(‘79 Code, § 9-804) Penalty, see § 150.99

§ 150.49 DESIGN AND CONSTRUCTION REQUIREMENTS FOR PRIVATE SWIMMING POOLS.

The design and construction of each private swimming pool begun after publication of this subchapter shall comply with the following requirements:

(A) *Structural and dimensional design.* The structural and dimensional design of private swimming pools shall comply with the Suggested Minimum Standards for Residential Swimming Pools as published in the Uniform Swimming Pool, Spa, and Hot Tub Code, 1991 Edition, and any amendments thereto as may be made therein from time to time, of which standards not less than two copies have been and now are filed for use and examination by the public in the office of the Clerk of the City of La Vista and the same hereby are adopted and incorporated into this subchapter as fully as if set out at length herein.

(B) *Fill and draw pools.* Only private swimming pools may be of the fill and draw type.

(C) *Pool interior.* The interior of the pool shall be lined with a material which is smooth in texture, light in color and impervious.

(D) *Obstructions and projections.* No obstructions or projections other than ladders and steps may extend from the walls or floor of the pool.

(E) *Overflow gutters or skimmers.* Each recirculation or fill and draw pool shall be equipped with an overflow gutter extending around the pool or adequate surface skimmers. If surface skimmers are used there shall be one skimmer for each 50 feet of perimeter or fraction thereof. The skimmer shall be located on the east side of the pool and shall not protrude from the wall into the swimming area.

(F) *Walkways and decks.* Walkways and decks shall be constructed of nonslip material and shall have a minimum slope of one-fourth inch per foot away from the pool or, in the case of walkways, toward an appropriate drain.

(G) *Steps and ladders.* Each pool shall have at least one ladder or recessed stairway for each 75 feet of perimeter or fraction thereof. Ladders shall be equipped with handrails. Steps shall be at least three inches wide and made of nonslip, easily cleanable material. Steps and ladders shall be so designed as not to collect water when the water level of the swimming pool is lowered.

(H) *Main outlet.* The main outlet for all belowground pools shall be located at the deepest point of the pool. This opening shall be fitted with a grating not easily removable by persons using the pool and designed to create no suction hazard.

(I) *Recirculating system.* Recirculating pools shall be equipped with a recirculating system capable of filtering the entire volume of water in the pool in 12 hours or less.

(J) *Pipe connections.* All swimming pools within the city shall be filled with water supplied by the water distribution franchisee which serves the city.

(K) *Lighting and electrical equipment.* Each underwater lighting unit and each metal fence or permanent metal fixture within ten feet of the pool water shall be separately grounded. No electrical wiring for lighting or power shall be permitted to pass overhead within ten feet of the pool water. ('79 Code, § 9-805) Penalty, see § 150.99

§ 150.50 DESIGN AND CONSTRUCTION REQUIREMENTS FOR COMMERCIAL AND NONCOMMERCIAL SWIMMING POOLS.

The design and construction of each commercial and noncommercial swimming pool shall comply with the Standards For Swimming Pool Design issued by the Nebraska State Department of Health and Human Services, being particularly the 1979 edition thereof, and the while thereof, consisting of sections

one through eight inclusive, and any amendments thereto as may be made therein from time to time, of which standards not less than two copies have been and now are filed for use and examination by the public in the office of the Clerk of the city of La Vista and the same are adopted and incorporated into this subchapter as if fully set out in length herein.

(‘79 Code, § 9-806) Penalty, see § 150.99

§ 150.51 ENCLOSURE OF PRIVATE SWIMMING POOLS.

(A) Except as provided in division (B) of this section, the owner of a private outdoor aboveground or belowground swimming pool shall maintain a fence which completely surrounds his or her property or the pool area and is strong enough to make the pool inaccessible to small children. The fence shall be at least six feet high and shall be so constructed as not to have any openings, holes or gaps bigger than four inches in any dimension. Each gate or door to the pool area shall be self-closing and self-latching, with the latch located at least six feet above ground.

(B) A natural enclosure, hedge or other barrier approved by the City Building Inspector may be used in place of a fence if the City Building Inspector determines that it provides as much protection as the fence otherwise required in division (A) of this section.

(C) All fences enclosing private swimming pools shall be constructed to conform substantially to those provisions of Chapter 154 of this code, governing fences in general.
(‘79 Code, § 9-807) (Am. Ord. 285, passed 4-7-81) Penalty, see § 150.99

§ 150.52 LIFE SAVING EQUIPMENT FOR PRIVATE SWIMMING POOLS.

The occupier of land on which a private swimming pool is located shall provide in a conspicuous, easily accessible and plainly marked location the following life saving equipment for each 1,500 square feet of surface water area or fraction thereof:

(A) A ring-buoy with a minimum outside diameter of 20 inches, secured to a one-half inch diameter rope as long as one and one-half times the maximum width of the pool, or 50 feet, whichever is less.

(B) A light, but strong life-pole, with blunt ends and not less than 12 feet long.

(C) A first aid kit.

(‘79 Code, § 9-808) Penalty, see § 150.99

§ 150.53 LIGHTING OF PRIVATE SWIMMING POOLS.

The occupier of land upon which a private swimming pool is located shall have the pool adequately lighted while it is being used at night. However, floodlights or other lights used to illuminate a private swimming pool must be so arranged and shaded as to reflect light away from adjoining premises.

(‘79 Code, § 9-809) Penalty, see § 150.99

§ 150.54 DISINFECTING OF PRIVATE SWIMMING POOLS.

A private swimming pool shall be disinfected on an as-needed basis. Those standards recommended by the pool manufacturer shall be followed. Either chlorine, bromine or iodine shall be used to disinfect swimming pool water. The water in a private swimming pool shall show an alkaline reaction at all times when the swimming pool is in use.

(‘79 Code, § 9-810) Penalty, see 150.99

§ 150.55 CLOSING OF PRIVATE SWIMMING POOLS.

The City Building Inspector is authorized to close any private swimming pool which in his or her opinion is in violation of the provisions of this subchapter. No person shall use a pool during the time it is closed. The owner of any private pool which has been closed may appeal to the Board of Adjustment and have the Board determine the legality of such closing.

(‘79 Code, § 9-811) Penalty, see § 150.99

§ 150.56 SETBACK REQUIREMENTS FOR PRIVATE, COMMERCIAL, AND NONCOMMERCIAL SWIMMING POOLS.

(A) All private swimming pools shall comply with those lot setback requirements applicable to accessory structures as set forth in the §§ 154.095 through 154.111 of this code.

(B) All commercial and noncommercial swimming pools shall comply with those lot setback requirements applicable to permitted principal uses as set forth in Chapter 154 of this code.

(‘79 Code, § 9-812) Penalty, see § 150.99

RENTAL INSPECTION PROGRAM**§ 150.60 ESTABLISHMENT OF RENTAL INSPECTION PROGRAM.**

A rental inspection program is hereby established for the City of La Vista, Nebraska pursuant to authority granted by Nebraska law, as adopted or amended from time to time, including, but not limited to, Neb. RS 16-246.

(Ord. 1095, passed 10-20-09)

§ 150.61 FINDINGS, PURPOSE AND INTENT OF THE RENTAL INSPECTION PROGRAM.

(A) The Mayor and City Council make the following findings:

(1) Much of the original housing of the city is approaching 50 years of age. As housing ages, there is an increasing need for regular monitoring and action to maintain it and keep the city's neighborhoods in good, safe and sanitary condition and repair.

(2) A significant portion of the original housing and neighborhoods of the city have transitioned from owner occupied to rental homes, making consistent monitoring and necessary maintenance more difficult.

(3) Transition to rental properties can be a significant factor contributing to the risk of deteriorating conditions of original housing and neighborhoods of the city.

(4) Multi-unit residential apartment complexes have been constructed in and around the city in recent years.

(5) Failure to properly maintain multi-unit apartment complexes places multiple tenants at risk.

(6) In cases of both single family and multi-unit residential housing, failure to properly maintain can have a deleterious affect and be a significant contributing factor to the decline of entire neighborhoods.

(7) Tenants of rental housing can face landlord resistance to needed maintenance or repairs; and tenants might be reluctant to report deficiencies to landlords.

(8) A program that encourages regular maintenance and repair of rental dwellings is in the public interest, good for tenants and neighborhoods in which such properties are located, and in the interests of all residents of the city to keep them in safe, sanitary, and properly maintained condition. Livable housing and neighborhoods also sustain the city's property tax base.

(B) Based on the foregoing, the Mayor and City Council have determined that it is necessary, desirable, appropriate and in the public interest to implement a uniform rental housing licensing and inspection program. The purpose of this rental inspection program is to provide for licensing and inspection of rental dwellings to promote compliance with the International Property Maintenance Code (IPMC) and other applicable laws, and to require property owners of rental dwellings, including single-family rental dwellings, to obtain licenses for the occupancy of rental dwellings. The intent of this rental inspection program includes:

- (1) Promoting the health, safety, and welfare of the persons living in and near rental dwellings;
 - (2) Preserving of the existing housing supply and neighborhoods;
 - (3) Helping to maintain property values and the city's tax base;
 - (4) Working toward preventing or eliminating substandard and deteriorating rental housing;
- and
- (5) Maintaining a living environment that contributes to healthful individual and family living.
- (Ord. 1095, passed 10-20-09)

§ 150.62 SCOPE.

This subchapter applies to any rental dwelling within the corporate limits of the city, with the following exceptions:

- (A) Nursing care and rehabilitation facilities, and assisted living facilities, as defined in the La Vista Zoning Ordinance; and
 - (B) Hotels and motels, as defined in the La Vista Zoning Ordinance.
- (Ord. 1095, passed 10-20-09)

§ 150.63 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. Other terms used in this subchapter and not expressly defined herein, but defined in Section 202 of the IPMC, shall have the meaning as set forth in said Section 202, unless otherwise provided by the context.

BUILDING OFFICIAL. The Chief Building Official of the City of La Vista or his or her designee.

EFFECTIVE DATE. The effective date of this subchapter, which shall be January 1, 2010.

FOLLOW-UP INSPECTION. An inspection performed by the Building Official subsequent to the identification of a violation, the purpose of which is to determine whether the violation has been corrected.

IPMC. The International Property Maintenance Code, published by the International Code Council (ICC), as from time to time adopted, amended or superseded by the City of La Vista. The terms of the IPMC are incorporated herein by this reference.

MAJOR CODE VIOLATION. A defect that poses a significant risk of danger, harm or damage to the life, health, safety or welfare of the tenant, passersby, occupants or visitors of the rental dwelling or other property, the environment or general public.

MINOR CODE VIOLATION. A defect other than that of a major code violation described above; provided, however, that the Building Official may determine that multiple minor code violations cumulatively constitute a major code violation and the violations and rental property or rental dwelling will be categorized accordingly.

PERSON. Any individual, corporation, partnership, limited liability company, trust or any other entity or association.

PRIMARY INSPECTION. An initial interior and/or exterior inspection for compliance with the IPMC and any other applicable requirements performed by the Building Official upon submission of an application for a rental license or renewal thereof.

PROPERTY MANAGER. A person responsible for the management of the rental dwelling other than the property owner. A ***PROPERTY MANAGER*** shall be deemed to be the property owner's agent for purposes of this subchapter unless the property owner otherwise advises the city in writing.

PROPERTY OWNER. Any person holding legal title to a rental dwelling or rental property as recorded with the Sarpy County Register of Deeds, or otherwise having control of the rental dwelling as guardian, conservator, receiver, trustee, executor, administrator or other similar representative capacity of any such person or his or her estate, to the extent proof of such control is presented to the satisfaction of the Building Official; provided, however, that the term ***PROPERTY OWNER*** does not include any person whose only interest in a rental dwelling is as a tenant pursuant to a lease.

PROPERTY OWNER'S AGENT. A person designated by a property owner as an agent to act on behalf of and bind the property owner in all matters arising out of or under this subchapter, except to the extent such authority shall be expressly limited as provided in writing to the Building Official. A property manager shall be deemed to be the property owner's agent for purposes of this subchapter unless the property owner otherwise advises the city in writing.

RENTAL DWELLING. One or more rooms for lease in an enclosed structure arranged, designed, and intended for use as a residence or living quarters for shelter, cooking, eating, sanitation and/or sleeping by one or more persons who are not its owners and contained within a rental property as defined

herein. In the case of a building containing multiple rental dwellings, each separately identifiable unit for lease shall constitute a rental dwelling separate from all other rental dwellings. Provided, however, for purposes of inspections and compliance under this subchapter, a **RENTAL DWELLING** shall include all accessory buildings, common areas, facilities, structures, fixtures, equipment, appurtenances and improvements of, to or servicing any such rental dwelling, and premises on, in or over which any such rental dwelling, buildings, common areas, facilities, structures, fixtures, equipment, appurtenances or improvements are located.

RENTAL LICENSE. A license issued to the property owner by the city authorizing the occupancy of a rental dwelling pursuant to a lease.

RENTAL PROPERTY. A structure with one or more rental dwelling leased for occupancy.

TRANSFER. When a property owner discontinues operation of a rental dwelling, or sells, gives or disposes of a rental dwelling to any other person, or a rental dwelling is in any other manner voluntarily or involuntarily transferred or conveyed to any other person.
(Ord. 1095, passed 10-20-09)

§ 150.64 RENTAL LICENSE.

(A) *Rental license required.*

(1) *General rule.* On and after the effective date of this subchapter, no person shall lease or continue to lease a rental dwelling to any other person unless a rental license is in effect for the rental dwelling. The following are the requirements for a rental license, all of which as further provided in this subchapter.

- (a) Satisfaction of all application-related requirements for a rental license;
- (b) Payment of all applicable application and inspection fees and other amounts;
- (c) Satisfaction of all inspection-related requirements; and
- (d) Ongoing compliance with all requirements of this subchapter;

(2) *Duration of license.* Rental licenses required herein shall expire annually on the last day of the month of March. Provided, however, see division (B)(2) below for extension of the term of a license for which an application to renew has been timely made.

(B) *Special rules.*

(1) *Multiple unit apartment buildings.* A rental license shall be required for each rental dwelling covered by a separate lease. Provided, however, that the Building Official may for

administrative convenience include in a single license all rental dwellings of a multi-unit building for which a license is granted; though by doing so, the Building Official shall not be prohibited from dealing under this subchapter with each rental dwelling of the building as separately licensed.

(2) *Licensing term prolonged pending inspection upon application for renewal.* The term of a rental license shall be prolonged and the property owner shall be permitted to continue operation of the rental dwelling beyond the last day of March of any year that an inspection is required of the dwelling pursuant to § 150.66(B), provided that applicant has satisfied all application requirements pursuant to § 150.65 in a timely manner and is waiting for inspection, and so long as divisions (a) and (b) below are satisfied. Extension of a license term in any case shall cease no later than the Building Official's inspection and grant or denial of renewal of the rental license.

(a) The Building Official is provided access to the rental dwelling for inspection either by voluntary consent or pursuant to a warrant or other court order in accordance with applicable law.

(b) There is no finding of a major code violation of the IPMC in effect with respect to the rental dwelling on the date specified in the first sentence of division (A)(2) above or anytime during the period the license term is extended pursuant to this division (B)(2).

(C) *Ongoing compliance required.* To maintain a rental license in effect requires ongoing compliance with applicable requirements of this subchapter and other laws, rules and regulations during the duration of the license, including ongoing compliance with the IPMC and other requirements that are the subject of periodic inspections hereunder or under other applicable laws, rules or regulations. Any deficiency or failure to comply shall be subject to such actions, orders, rights and remedies of the Building Official as set forth in this subchapter, the IPMC or other applicable laws, rules or regulations as enacted or amended from time to time, up to and including suspension or revocation of a rental license, charges, and issuance or assessment of citations, fines, penalties and orders related to violations and to vacate the premises, all of which shall be carried out in accordance with applicable law.

(D) *Transfers of rental dwellings.* In the event a property owner transfers a rental dwelling within the meaning of § 150.63, and the subject property remains a rental dwelling, the current license may be continued by the new property owner for the remaining duration of the license for the dwelling if the new property owner files a properly completed application described in § 150.65 within 30 days after the transfer. No additional fees are necessary for continuing a license for the remaining license period. However, the new property owner shall take all actions as and when required to renew the license and maintain it in effect, including paying all fees and other amounts specified in this subchapter. A rental license shall not be transferred to any other rental dwelling unit.

(Ord. 1095, passed 10-20-09)

§ 150.65 RENTAL LICENSE APPLICATION REQUIREMENTS.

(A) *General rule.* Application for a rental license satisfying the requirements of this subchapter shall be filed with the city and be accompanied by all applicable licensing and inspection fees as described herein and/or established by the master fee ordinance from time to time.

(B) *License application deadline.*

(1) *General rule.* Except as provided in division (B)(2) immediately following, an application for a rental license and applicable fees shall be filed and paid by the first day of March, annually.

(2) *Special rule.* Application for a rental license for a rental dwelling completed or converted to a rental dwelling after the effective date of subchapter, as defined in § 150.63, shall be filed and the applicable fees paid within 30 days after the completion of or conversion to a rental dwelling and prior to occupancy. Subsequent applications and fees shall be filed and paid within the time specified in division (B)(1) immediately above.

(C) *Required license application information.* Application for a rental license shall be made in such manner as determined from time to time by the Building Official and include the following information:

(1) Name, street address, telephone number, and e-mail address (if applicable) of the property owner of the rental dwelling (and rental property, if different);

(2) If different than division (C)(1) above, name, street address and telephone number of the property manager of the rental dwelling (or rental property, if different), as defined in § 150.63.

(3) Name, street address, telephone number, and e-mail address (if applicable) of the property owner's agent, if applicable. Unless otherwise specified by the property owner in writing, the property manager shall be deemed to be the property owner's agent for purposes of this subchapter.

(4) Legal address of the premises;

(5) Number of rental dwellings in each building within the rental property;

(6) Occupancy as permitted under the Zoning Ordinance, or as specified in the certificate of occupancy;

(7) Signed statement of property owner and property manager indicating that the property owner and property manager are aware of the occupancy requirements of the Zoning Ordinance or Building Code and the legal ramifications for knowingly violating said codes;

(8) The name and address of the registered agent, if the property owner is not an individual and is required by applicable law to have a registered agent;

(9) Proof of pest extermination, pursuant to Section 308.2 of the IPMC; and

(10) Such other information as the Building Official from time to time determines necessary in accordance with the purpose and intent of this subchapter.

(D) *License fees.* Rental license fees shall be in such amounts as provided in the master fee ordinance from time to time. If a rental license is required for a rental dwelling under this subchapter and the city does not receive a properly completed application for the license within 30 days after the required filing date for said application as provided in this section, an additional administrative processing fee as set forth in the master fee ordinance shall apply. This additional fee shall be in addition to the regular license fee.

(Ord. 1095, passed 10-20-09)

§ 150.66 INSPECTIONS.

(A) (1) Upon receipt of a properly completed application and payment of the applicable fees and other amounts for a rental license, the Building Official shall schedule and notify the property owner of a primary inspection of the property as soon as is practicable after review of the license application. At least ten days advance written notice of the inspection shall be provided to the property owner and tenant in accordance with applicable law. If either the owner or tenant of a rental dwelling refuses to consent to an inspection, the Building Official shall obtain a warrant for the inspection in accordance with applicable law, including, but not limited to, Neb. RS 29-830 et seq.

(2) The primary inspection will be conducted to determine if the rental dwelling satisfies all applicable requirements of the IPMC and other building-related codes or ordinances adopted or amended from time to time by the city for the health, safety, and welfare of the persons living in and near rental dwellings. The Building Official shall be authorized to take such actions as the Building Official determines necessary or appropriate to implement, administer and carry out the inspection requirements of this subchapter, including, but not limited to, scheduling inspections for the efficient use of city resources.

(3) *Newly constructed rental dwellings.* Provided the required application and fees and other amounts are filed and paid as required, a certificate of occupancy issued by the Building Official for any rental dwelling completed after the effective date of this subchapter shall also satisfy the initial inspection requirement for a rental license. If filing of the application or payment of the fee is delayed, the rental dwelling shall be subject to such application, licensing, inspection and fee requirements as applicable to any other rental dwelling before a rental license is issued.

(B) All rental dwellings required to be licensed shall be classified by the Building Official based on primary inspections (with the exception of properties described in Class N) and subject to subsequent inspections as follows. All inspections shall be subject to and carried out in accordance with the requirements set forth in division (A) above.

(1) *Class A.* Rental dwelling with minor or no code violations; inspected two years thereafter. If a minor code violation noted in a primary inspection exists upon re-inspection two years later, follow-up inspection shall be required to confirm that all outstanding violations have been corrected before licensing is issued.

(2) *Class B.* Rental dwelling with major code violations, follow-up inspection required before licensing is issued; inspected one year thereafter; and, if no major code violations noted during the one-year inspection, inspected thereafter as a Class A rental property.

(3) *Class N.* Rental dwelling newly constructed, with construction completed after the effective date of this subchapter; inspected three years thereafter.

(C) When the primary inspection of a rental dwelling reveals any violation of applicable requirements, a notice shall be provided to the property owner as specified in Section 107 of the IPMC. The notice shall contain a time frame set by the Building Official necessary to correct the violations based on the number and severity of the violations. Correction of minor code violations noted shall be deemed to be a condition of the license that is issued or renewed immediately following the inspection during which the violations were noted. If a minor code violation noted in a primary inspection exists upon re-inspection two years later, follow-up inspection shall be required to confirm that all outstanding violations have been corrected before licensing is issued. Major code violations shall be corrected to the satisfaction of the Building Official upon re-inspection before any license is issued or renewed.

(D) A follow-up inspection of any major violation will be conducted at the end of the time frame set by the Building Official to correct the violations before a license is issued or renewed. If the Building Official finds that any such violation has not been corrected, the license or license renewal shall be denied. A major code violation after a license has been issued or renewed shall be subject to such enforcement action as determined necessary or advisable in accordance with applicable law, up to and including revocation of the license, order vacating the premises and assessment of fines and penalties.

(E) *Inspection fees.* The primary inspection shall be conducted at no charge. Inspection of a Class B property after the primary inspection also shall be conducted at no charge if violations have been corrected. If any violation has not been corrected, a fee shall be charged for inspections after the primary inspection in accordance with the master fee ordinance, which fee shall be due and payable before a license for said property is issued or renewed.

(F) Inspections may also be conducted at other times as the Building Official determines necessary, including inspections on a complaint basis.

(G) Inspections provided under this subchapter shall be in addition and supplemental to any other inspection or access authorized under applicable law.
(Ord. 1095, passed 10-20-09)

§ 150.67 INSPECTION ACCESS.

(A) It shall be the responsibility of the property owner or the property owner's agent, as defined herein, to be present at the rental property on the date and time of all primary and follow-up inspections to provide access for the inspection. Failure to be present at any primary or follow-up inspection will result in an additional administrative and rescheduling fee in accordance with the master fee ordinance, in addition to any other rights or remedies available to the city.

(B) In the case of a rental property that contains two or more buildings, the Building Official shall inspect no less than two rental dwellings within the building each time an inspection is required hereunder. Multifamily complexes shall be dealt with as a single property. The property owner or the property owner's agent, as defined herein, shall be prepared to show the units specified in the notice of inspection.

(C) If any property owner, tenant, or other person lawfully in control of a rental property or a rental dwelling contained therein fails or refuses to consent to access and entry to the rental property or rental dwelling under its/his/her ownership or control for any inspection pursuant to this subchapter, the Building Official shall apply for and obtain a warrant or other appropriate court order authorizing such inspections in accordance with applicable law, including but not limited to, Neb. RS 29-830 et seq. Obstruction by a property owner, tenant or other person of an inspection authorized by a legally enforceable warrant or other court order, shall be grounds for denial or revocation of the rental license or renewal thereof, in addition to any other rights or remedies of the city under applicable law.

(D) Access requirements of this subchapter shall be in addition and supplemental to any other access authorized under applicable law.
(Ord. 1095, passed 10-20-09)

§ 150.68 LOCAL AGENT REQUIRED.

The property owner of any rental property or rental dwelling covered by this subchapter shall be available to the tenant to respond to an emergency on a 24-hour basis. This requirement may be met by maintaining an operating business or residence within 60 miles of the property at which the property owner or property owner's agent is regularly present, or by use of a responsible local agent who resides within Sarpy County or an adjoining county; any of whom can be contacted on a 24-hour basis. If the property owner's agent or a local agent is used, the property owner shall provide the city with the name, address, and telephone number of the property owner's agent or local agent in addition to owner information. A post office box, mailing address, or toll free numbers shall not be deemed sufficient to meet the provisions of this section.
(Ord. 1095, passed 10-20-09)

§ 150.69 VIOLATIONS, OFFENSES, REMEDIES AND SPECIAL RULES.

In addition to other provisions of this subchapter:

(A) If a rental license is required under this subchapter and the same is not obtained or is revoked for failure to comply with any requirement of this subchapter, or the property fails upon inspection to meet applicable requirements, the procedures and penalties for noncompliance shall be as set forth in Section 106 of the IPMC or provided by other applicable law.

(B) Notice of violations of the provisions of the IPMC and/or other applicable codes or ordinances issued by the Building Official pursuant to this subchapter shall be divided into either of the following categories:

- (1) Major code violation shall have the meaning in § 150.63.
- (2) Minor code violation shall have the meaning in § 150.63.

(C) Such violations shall be cited in the notice of violation as major or minor code violations, and the nature of the violations and time allotted for repair shall be specified on the notice. Correction of minor code violations noted shall be deemed to be a condition of the license that is issued or renewed after the inspection during which the violations were noted. If a minor code violation noted in a primary inspection exists upon re-inspection two years later, follow-up inspection shall be required to confirm that all outstanding violations have been corrected before licensing is issued. Major code violations shall be corrected to the satisfaction of the Building Official upon re-inspection before any license is issued or renewed. After the time specified for correction, the Building Official shall re-inspect the premises to confirm that the major code violations have been corrected.

(D) A rental license or license renewal may be suspended, denied or revoked by the Building Official, and an order issued by the Building Official to vacate a rental dwelling or rental property, upon the failure of the property owner to take corrective action within the specified time frame or if the rental property or rental dwelling is found to be unsafe pursuant to the IPMC, including Section 108 thereof. If a license is suspended, denied or revoked, the Building Official shall notify the property owner, in writing, of the same and the reasons therefore and any appeal rights.

(E) *Other rules.*

(1) *Rights and remedies.* All rights and remedies provided in this subchapter shall be nonexclusive and cumulative of all other rights and remedies available at law or in equity, including, but not limited to, the IPMC.

(2) *Penalties.* Except as otherwise expressly provided by the IPMC or other applicable law, penalties for violations of this subchapter may be as specified in § 150.99. Each day a violation continues shall constitute a separate offense and violation subject to prosecution.

(3) *No refunds.* No license or application fee or any other amount paid the city under this subchapter in any case shall be refunded, including, but not limited to, fees paid in cases in which a license or renewal thereof is suspended, denied or revoked, operation of a rental dwelling is suspended, interrupted or ceases, or a rental dwelling or rental property is transferred, except to the extent equity may require as determined by the Mayor and City Council in their sole discretion.

(4) *Notice and other rights.* To the extent required by applicable law:

(a) Property owners and other interested persons shall be provided notice of actions or determinations of the Building Official, including actions or determinations to grant, deny, suspend or revoke a rental license or renewal thereof; and

(b) Actions or determinations of the Building Official shall be subject to any applicable procedural requirements including any rights of appeal pursuant to the IPMC or other applicable law. (Ord. 1095, passed 10-20-09)

BUILDING INSPECTOR

§ 150.70 POWER AND AUTHORITY.

The Building Inspector of the City of La Vista or the building inspector's agents, assistants or other designees, except as otherwise expressly provided in any applicable laws, codes or regulations, shall be the city official who shall have the duty of enforcing all building, housing, zoning, fire, life safety, plumbing, electrical and other codes and regulations as herein prescribed, and shall include without limitation a designated Fire Marshal with respect to enforcement of fire or life safety codes or related rules or regulations. The Building Inspector shall inspect all buildings existing, repaired, altered, built or moved in the city as often as necessary to insure compliance with all city ordinances. Not in limitation of the foregoing or other authority, the Building Inspector shall have the power and authority to order all work stopped on any construction, repair, alteration, relocation or other work when there is a violation of any provisions prescribed by ordinances, laws, rules or regulations. The Building Inspector shall issue permission to continue any construction, repair, alteration, relocation or other work where he or she is satisfied that no provisions will be violated. If a stop order is an oral one, it shall be followed by a written stop order served on any person or entity engaged in the doing or causing such work to be done. The notice shall briefly set forth the violations and shall specify the time in which compliance must be made. The Building Inspector in accordance with applicable law shall have the power and authority to issue citations and court summons for violations of building, housing, zoning, life safety, plumbing, electrical and other laws or regulations relating to buildings in the same manner as if said citations are issued by the city police. Such written stop orders, citations and court summons may be served by the Building Inspector or by a city police officer, in the event that the City Council fails to appoint a building inspector and there shall be no acting building inspector of the City of La Vista, the Chief of Police shall be the building inspector ex officio.

(‘79 Code, § 9-101) (Am. Ord. 299, passed 3-16-82; Am. Ord. 326, passed 11-3-82; Am. Ord. 751, passed 11-17-98; Am. Ord. 1226, passed 9-16-14)

§ 150.71 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.

(‘79 Code, § 9-102) Penalty, see § 150.99

§ 150.72 TIME OF INSPECTION.

The Building Inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder, or his or her agent, that the work fails to comply with the requirements of the city code: foundation inspection shall be made after trenches are excavated and the necessary forms erected; frame inspection shall be made after the roof, framing, fire-blocking and backing is in place and all pipes, chimneys and vents are complete; and final inspection shall be made after the building is completed and ready for occupancy. It shall be unlawful for any person to do work, or cause work to be done, beyond the point indicated in each successive inspection without the written approval of the Building Inspector.

(‘79 Code, § 9-103) Penalty, see § 150.99

§ 150.73 APPEAL FROM DECISION.

Except as otherwise expressly provided by any applicable codes, laws, rules or regulations: 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 or her agent or the occupant may file a notice of appeal within ten days after the decision or order of the Building Inspector has been made. The Board of Adjustment 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 requested remedy should be granted. Any variances only shall be granted as permitted under Neb. RS 19-910 or other applicable law, and 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 or any other decision of the Board of Adjustment shall be sent to both the Building Inspector and the applicant.

(‘79 Code, § 9-104) (Am. Ord. 1226, passed 9-16-14)

§ 150.74 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 city 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 the persons to erect such guards shall constitute a violation of this section, and the city police or the Building Inspector shall stop all work until guards are erected and maintained as required.

(‘79 Code, § 9-105)

VACANT PROPERTY REGISTRATION PROGRAM**§ 150.80 ESTABLISHMENT OF VACANT PROPERTY REGISTRATION PROGRAM.**

A vacant property registration program is hereby established for the City of La Vista, Nebraska pursuant to authority granted by Nebraska law, as adopted or amended from time to time, including but not limited to Neb. RS 19-5401 through 19-5408 (the Vacant Property Registration Act) and Neb. RS 16-246. The vacant property registration program shall be applicable to vacant residential properties exhibiting evidence of vacancy, generally meaning for purposes of the program conditions or circumstances that would lead a reasonable person to believe that a residential building is vacant and neglected, as described below in this subchapter.
(Ord. 1407, passed 1-19-21)

§ 150.81 FINDINGS.

The Mayor and Council make the following findings:

(A) In the Vacant Property Registration Act, the Nebraska Legislature has recognized, and the Mayor and Council recognize:

(1) Vacant properties have the potential to create a host of problems for Nebraska communities, including a propensity to foster criminal activity, create public health problems, and otherwise diminish quality of life;

(2) Vacant properties have the potential to reduce the value of area properties, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability;

(3) Vacant properties represent unrealized economic growth in Nebraska communities;

(4) A vacant property registration chapter allows a municipality to discourage property vacancy and neglect, maintain unoccupied buildings, provide a data base of vacant properties and their owners, and assess fees for the increased public costs associated with vacant properties;

(5) Fees imposed under a vacant property registration chapter have the potential to benefit the owners of vacant properties by helping to finance additional government services to protect the value and security of such properties; and

(6) Enactment of a vacant property registration chapter is a proper exercise of governmental authority to protect the public health, safety, and welfare of community residents and a valid regulatory scheme. Such a chapter will allow the city to identify and register vacant properties, collect fees to compensate for the public costs of vacant properties, plan for the rehabilitation of vacant properties, and encourage the occupancy of vacant properties.

(B) The Mayor and Council further recognize and find:

(1) A program that establishes and enforces a registration system to monitor vacant residential buildings is in the public interest, good for the neighborhoods in which such properties are located, and in the interests of all residents of the city; and

(2) Livable housing and neighborhoods sustain the city's property tax base.

(C) Based on the foregoing and to correct or prevent negative consequences of vacant residential buildings, the Mayor and City Council have determined that it is necessary, desirable, appropriate, and in the public interest to implement a vacant property registration program for vacant residential properties.

(Ord. 1407, passed 1-19-21)

§ 150.82 PURPOSE AND INTENT OF THE VACANT PROPERTY REGISTRATION PROGRAM.

The purpose of this program is to provide for registration and inspection of vacant residential buildings and to promote compliance with the municipal code and other applicable laws. The intent of this program includes:

(A) Reducing risks of conditions that are catalysts for unlawful activities, declining neighborhoods, and dangers to persons or property;

(B) Promoting the health, safety, and welfare of the city and its residents, including without limitation the persons living near vacant residential properties;

(C) Promoting the repair and rehabilitation of vacant residential properties;

(D) Promoting the occupancy of vacant residential properties;

(E) Preserving the existing housing supply and neighborhoods;

(F) Helping to maintain property values and the city's tax base;

(G) Working toward preventing or eliminating substandard and deteriorating housing; and

(H) Maintaining a living environment that contributes to healthful individual and family living.
(Ord. 1407, passed 1-19-21)

§ 150.83 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING OFFICIAL. The Chief Building Official of the city and, in the event of the absence, disability, or other unavailability of the Chief Building Official, any individual designated by the City Administrator to perform the duties of the Chief Building Official of the city.

CITY. The City of La Vista, in Sarpy County, Nebraska.

CITY CODE. The municipal code of the city.

COUNTY. The County of Sarpy in Nebraska, as defined in the Nebraska Revised Statutes.

DIRECTOR. The Community Development Director of the city.

DWELLING. Any building that contains one or more dwelling units constructed or used for residential purposes, or intended or designed to be built, used, rented, leased, let, or hired out to be occupied for residential purposes, excluding hotels and motels. This includes but is not limited to single family houses and residences, townhomes, duplexes and other multiplexes, apartment buildings, and other similar buildings and structures.

DWELLING UNIT. A single unit, with one or more rooms, providing independent living facilities for residential purposes of one or more persons.

EFFECTIVE DATE OF THIS SUBCHAPTER. February 1, 2021.

EVIDENCE OF VACANCY. Any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential building is vacant and neglected. Such conditions or circumstances may include, but are not limited to:

- (1) Overgrown or dead vegetation, including grass, shrubbery, and other plantings;
- (2) An accumulation of abandoned personal property, trash, or other waste;
- (3) Visible deterioration or lack of maintenance of any building or structure on the property;

(4) Graffiti or other defacement of any building or structure on the property;

(5) Within the preceding six months, due to some condition of or upon the property, the property has been the subject of two or more notices of violation of the provisions of applicable federal, state or local laws or regulations, including, without limitation, Chapters 50, 91, 92, 93, 133, or 150 of the city code;

(6) The dwelling is unsecured for 30 or more days, meaning that persons, animals or the elements of weather, using little or no effort, may access or enter the dwelling, which is not being actively used as a dwelling, including, without limitation, by way of any open, unlocked, damaged, broken, weakened, compromised, or missing doors, windows, or other building components;

(7) The dwelling has sustained significant fire, wind, water, or other damage, is uninhabitable, and diligent, consistent efforts to repair, rehabilitate, renovate, demolish, or remove the building are not evident within 60 days after the occurrence resulting in such damage;

(8) The dwelling has been declared a nuisance pursuant to applicable Nebraska law or regulation, or ordinances or regulations of the city, including, without limitation, Neb. RS 18-1722 and Chapter 92 of the city code;

(9) The dwelling has been boarded up for a period of more than 60 days, meaning that one or more of the building's doors or windows, or door or window openings, have been covered with plywood, wood, or metal sheeting, paneling, or other materials, other than permanently installed doors or windows, for the purpose of preventing persons, animals, or the elements of weather from entering into the building;

(10) The dwelling has been declared and placarded by the Building Official as a dangerous building or an unsafe structure pursuant to applicable Nebraska law or regulation or ordinances or regulations of the city, including without limitation § 92.15 or Chapter 150 of the city code;

(11) The dwelling has sustained substantial deterioration due to lack of maintenance, replacement, or repair and the owner has failed to comply with a previous notice to correct a violation of applicable Nebraska law or regulation or ordinances or regulations of the city;

(12) The owner has failed to appear and a warrant or citation has been issued by a court of law for a violation of federal, state or local law or regulation, including without limitation, Chapter 50, 91, 92, 93, 133, or 150 of the city code, regarding an unoccupied building or structure exhibiting any violation of any such law or regulation;

(13) The owner has refused to accept service of notices of violation of applicable laws or regulations, including without limitation, Chapter 50, 91, 92, 93, 133, or 150 of the city code, when service has been attempted; or

(14) Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes and is not being maintained or is being allowed to deteriorate, as determined by the Building Official.

OWNER. Any person who, alone or with another or others, holds legal title to a vacant residential building, as shown by the records of the register of deeds of the county, or who holds an equitable interest in such property, or who otherwise has care, custody, or control of the property as guardian, conservator, receiver, trustee, executor, administrator, beneficiary, or in any other representative capacity, to the extent proof of such control to the satisfaction of the Building Official is presented to or obtained by the Building Official. All holders of any legal or equitable title or interest in a vacant residential building shall be jointly and severally liable under this subchapter as owners of such vacant residential building.

OWNER'S AGENT. A person designated by the owner as an agent to act on behalf of and to bind the owner in matters arising under this subchapter, except to the extent the owner otherwise advises the Building Official in writing.

PROGRAM. The vacant property registration program established by this subchapter.

PROPERTY MANAGER. Any person responsible for the management of a property other than the owner. A property manager shall be deemed to be the owner's agent for purposes of this subchapter unless the owner otherwise advises the Building Official in writing.

RESIDENTIAL BUILDING. A house, a condominium, a townhouse, an apartment unit or building, a trailer house, and any other dwelling.

RESIDENTIAL PURPOSES. Occupancy, use, or intended use for residential or living quarters, including, without limitation, shelter, cooking, eating, sanitation, or sleeping by one or more persons.

SUBCHAPTER. Sections 150.80 *et seq.* of the city code.

VACANT. A residential building exhibits evidence of vacancy. If a vacant residential building becomes occupied for a period of 30 days or less, and immediately following such period of occupancy the building again becomes unoccupied, the building shall be deemed for purposes of this subchapter to have remained vacant during such period of occupancy.

VACANT PROPERTY REGISTRATION FORM. The form described in § 150.86(A) of this subchapter.

(Ord. 1407, passed 1-19-21)

§ 150.84 SCOPE.

(A) This subchapter shall apply to and respecting any residential building located within the corporate limits of the city. If more than one residential building is located upon a single lot, piece or parcel of land, such as an apartment complex comprised of more than one residential building, this subchapter shall apply separately to each such building. If a residential building is comprised of more than one dwelling unit and not all of such dwelling units are owned by the same owner, such as a condominium comprised of more than one dwelling unit, this subchapter shall apply separately to each dwelling unit.

(B) This subchapter shall apply to any residential building that becomes vacant after the effective date of this subchapter.

(C) This subchapter shall not apply to any property owned by the federal government, the State of Nebraska, or any political subdivision thereof.

(D) This subchapter shall not apply to any lot, piece or parcel of land that has not been or is not being improved with a residential building, but this subchapter shall apply to any lot, piece or parcel of land on which construction of a residential building commenced, even if such construction is subsequently halted.

(Ord. 1407, passed 1-19-21)

§ 150.85 ADMINISTRATION AND ENFORCEMENT.

(A) The Building Official shall serve as the administrator of the program, and shall be primarily responsible for administration and enforcement of this subchapter, including without limitation, interpretation of this subchapter. The name and telephone number of the Building Official of the city, and his or her email address (or a hyperlink to his or her email address) shall be displayed on the city's website. The Building Official shall be authorized to designate any other individual to assist in carrying out any task or function pursuant to this subchapter.

(B) The Director, in consultation with the Building Official, is authorized to promulgate policies, procedures and regulations for the administration and enforcement of this subchapter.

(C) If visual observation from the street, a public sidewalk, any other public area, or any other place at which the observer is lawfully present causes the Building Official reasonably to suspect that a building may be a vacant residential building, or if any employee or official of the city or member of the public makes a verbal, written, or electronic report to the city that causes the Building Official reasonably to suspect that a building may be a vacant residential building, the Building Official may

investigate the matter to determine whether the building is a vacant residential building. In conducting such investigation, the Building Official may interview persons having knowledge of the circumstances (such as individuals who reside in the vicinity or neighborhood of the building, law enforcement officers and other public officials), examine public records, and contact and interview other persons including without limitation the owner, property manager, or owner's agent.

(1) If the Building Official determines that the building is a vacant residential building, but that it has been vacant for less than 180 days, the Building Official shall provide a copy of the vacant property registration form to the owner, property manager, or owner's agent, and shall notify the owner, property manager, or owner's agent that unless the property is exempt from the registration requirements of this subchapter, the vacant property must be registered when it has been vacant for 180 days. The notification may be given verbally, in writing, or electronically. Failure of the Building Official to provide a copy of the vacant property registration form or to give such notification shall not be jurisdictional and shall not bar enforcement of this subchapter respecting the property.

(2) If the Building Official determines that a building is a vacant residential building that has been vacant for 180 days or longer, the Building Official shall provide a copy of the vacant property registration form to the owner, property manager, or owner's agent, and shall notify the owner, property manager, or owner's agent by certified United States mail that the vacant property must be registered as a vacant property within 15 days after the mailing of the notice, unless within such 15 days period the owner, property manager, or owner's agent provides to the Building Official information showing to the satisfaction of the Building Official either that the building is not a residential building that has been vacant for 180 days or longer or that the building is exempt from the registration requirements of this subchapter.

(3) For purposes of determining the number of days of any vacancy under this subchapter, the period of any vacancy occurring before, on or after the effective date of this subchapter shall be included and counted.

(Ord. 1407, passed 1-19-21)

§ 150.86 REGISTRATION DATABASE; REGISTRATION AND SUPPLEMENTAL REGISTRATION OF VACANT RESIDENTIAL BUILDINGS; DUTIES OF OWNERS AND SUBSEQUENT OWNERS; INFORMATION REQUIRED; FEES; CIVIL ACTIONS; LIENS; OWNER'S AGENT.

(A) The Building Official shall maintain or cause to be maintained a city-wide vacant property registration database. The Building Official shall also develop or cause to be developed a vacant property registration form, in paper format (or electronic format). The registration form and registration process shall require such information as the Building Official may specify, which at a minimum shall include:

- (1) The name, street address, mailing address, telephone number, and, if applicable, the facsimile number and email address, of the property owner and, if applicable, of the property manager and owner's agent;
- (2) The parcel identification number of the vacant property as shown in the records of the County Assessor, and the street address of the vacant property;
- (3) The transfer date of the instrument conveying the property to the owner;
- (4) The date on which the property became vacant; and
- (5) The plan of the owner to eliminate evidence of vacancy and bring about the occupancy of the property.

(B) An owner of a property on which there is a vacant residential building shall register the property with the Building Official as a vacant residential property, or cause the property to be so registered, if the building has been vacant for 180 days or longer. If the property owner fails to register the property, the Building Official may register it, which shall have the same effect as registration by the property owner. One hundred eighty (180) days after the initial registration of the vacant residential building pursuant to this division, or 360 days after the building became vacant, whichever is earlier, the owner shall pay an initial registration fee of \$250. Every six months thereafter, for as long as the property remains on the city's vacant property registration data base, the owner shall pay a supplemental registration fee. Each supplemental registration fee shall be double the dollar amount of the immediately preceding registration fee or supplemental registration fee, as the case may be, provided that no single supplemental registration fee shall exceed \$2,500. If any fees are not paid when due, interest shall accrue and be payable on such unpaid amounts at the rate specified in Neb. RS 45-104.02, as adjusted from time to time.

(C) For purposes of calculating the registration fees and supplemental registration fees imposed under the preceding division, an initial registration fee shall be due from the owner on the 360th day after the residential building became vacant and, for that purpose, the building shall be deemed to have been vacant for 360 days and listed continuously on the city's vacant property registration database from the 180th day of vacancy through the 360th day of vacancy. Every six months after such 360th day, and continuing for as long as the building remains vacant, the building shall be deemed to have been listed continuously on the city's vacant property registration database, and a supplemental registration fee shall become due from the owner. The registration fees and supplemental registration fees shall be imposed upon and be payable by the owner regardless of whether or not the owner formally registers or causes the property to be registered with the Building Official, and regardless whether or not the city elects to register the property, as a vacant residential building. The Building Official is authorized to place on the vacant property registration database any residential building that Building Official deems to be a vacant residential building under the provisions of this subchapter.

(D) The city may collect any vacant property registration fee imposed under this subchapter, or which ought to have been paid under this subchapter or which became due under this subchapter, by civil action in any court of competent jurisdiction.

(E) Any vacant property registration fee imposed under this subchapter, or which ought to have been paid under this subchapter or which became due under this subchapter, and any unpaid fine for any violation of this subchapter, and any interest on any unpaid fees or fines, shall become a lien on the applicable property upon the recording of a notice of such lien by the Building Official in the office of the register of deeds of the county. The lien created under this subchapter shall be subordinate to all liens on the applicable property that were recorded prior to the time the notice of such lien under this subchapter is recorded.

(F) The owner of any vacant residential building shall be available to respond to emergencies 24 hours per day, seven days per week. This requirement will be deemed satisfied if:

(1) The owner or the owner's property manager maintains a residence or operating business office within the county or an adjacent county, at which residence or business office the owner or the property manager is regularly present; or

(2) The owner appoints an owner's agent who resides within the county or an adjacent county, any of whom may be contacted 24 hours per day, seven days per week.

(G) If a residential building becomes vacant and remains vacant for 60 days, the owner shall provide the Building Official written or electronic notice of the name, address, and telephone number of the owner, the address of the vacant residential building, the date on which the building became vacant and, if and to the extent applicable, the name, address, and telephone number of the owner's property manager and the owner's agent. A post office box, mailing address, or toll-free number shall not satisfy this division. Upon receipt of such a notice, the Building Official will provide the owner the information specified in § 150.86(F)(1) or (2), whichever applies.

(H) The owner's designation of a property manager or owner's agent shall not relieve the owner of the obligation to comply with this subchapter, or with any other provision of federal, state, or local law or regulation.

(I) A subsequent owner or owners of property subject to this subchapter assumes the obligations of the previous owner or owners.

(J) If a property is listed on the city's vacant property registration database, an owner of the property, or the property manager or the owner's agent, shall notify the Building Official when the property is no longer vacant. The Building Official shall thereupon conduct an inspection and,

if the Building Official determines that the building no longer exhibits evidence of vacancy and that all registration, supplemental registration and inspection fees and all fines and interest imposed under or pursuant to this subchapter have been paid, the Building Official shall remove the property from the vacant property registration database.

(Ord. 1407, passed 1-19-21)

§ 150.87 EXEMPTIONS.

(A) A property on which there is a vacant residential building shall be exempt from both registration and payment of registration fees under this subchapter if the property is advertised in good faith for sale or lease. The burden of establishing that a property is advertised in good faith for sale or lease shall be upon the property owner. For purposes of this exemption:

(1) A property on which a vacant residential building is located will be presumed to be advertised in good faith for sale or lease if, for at least the 90 consecutive days immediately preceding the date upon which the relevant registration fee or supplemental registration fee would otherwise have been required respecting the vacant property:

(a) 1. The property has been continuously listed for sale in an active listing with a licensed real estate broker engaged in the real estate business in Sarpy or Douglas County, Nebraska, for a listed sale price of not more than 120% of the property's assessed value as shown by the records of the County Assessor; and

2. A bona fide offer at or above such sale price has not been received by owner; or

(b) 1. The property has been continuously listed for lease in an active listing with a licensed real estate broker engaged in the real estate business in Sarpy or Douglas County, Nebraska, for a listed monthly rental of not more than 1% of 120% of the property's assessed value as shown by the records of the County Assessor; and

2. A bona fide offer at or above such monthly rental has not been received by owner.

(2) If the owner is unable to establish that the property is presumptively advertised in good faith for sale or lease under division (A)(1) above, the owner may establish that the property is advertised in good faith for sale or lease by producing other evidence, provided, a showing that the property is and has been advertised or available "for sale by owner" or "for lease by owner," or that a "for sale" or "for lease" sign has been displayed on the property, shall not be sufficient, alone or in combination, to establish that the property is advertised in good faith for sale or lease, absent substantial additional evidence that the property is and actually has been advertised for sale or lease over a reasonably broad geographic or market area for a reasonable sale price or a reasonable rental amount, as the case may be. The Building Official shall decide in the first instance whether the owner has provided sufficient evidence to establish that the property is advertised in good faith for sale or lease.

(B) A property on which there is a vacant residential building shall be exempt from payment of registration fees (but not registration) under this subchapter if the Building Official determines:

(1) (a) The building has been damaged by fire, weather, an act of God, vandalism, or other casualty causing it to be uninhabitable and repair or renovation activities designed to restore the building to a habitable condition are or were commenced within 60 days after the damage occurred; or

(b) The building is a new building under construction or a building undergoing renovation;

(2) The repair, construction or renovation activities are being actively implemented or pursued with reasonable diligence and timeliness, and any evidence of vacancy is being minimized to the greatest extent practicable as determined by the Building Official; and

(3) The building remains vacant for no more than 360 days (or such longer period as may be approved in writing by the Building Official due to extenuating circumstances that do not result from any fault or neglect of the owner, as determined by the Building Official).

(4) If a property on which there is a vacant residential building, otherwise exempt from payment of registration fees under this § 150.87(B), is vacant for more than 360 days (or such longer period as may be approved in writing by the Building Official due to extenuating circumstances that do not result from any fault or neglect of the owner, as determined by the Building Official), this exemption shall not apply and the owner shall pay the registration fee or fees specified in § 150.86. Any loss of exemption under this division (B) shall relate back to the commencement of such construction or renovation, or to the date the property became vacant due to the damage by fire, weather, an act of God, vandalism, or other casualty, as the case may be.

(C) An unoccupied residential building shall be exempt from both registration and payment of registration fees under this subchapter if it does not exhibit evidence of vacancy, as determined by the Building Official.

(Ord. 1407, passed 1-19-21)

§ 150.88 RIGHTS TO PRIOR NOTICE AND APPEAL.

(A) The owner of a residential building shall have the right to reasonable prior notice of an adverse decision of the city or Building Official under this subchapter and an opportunity to appeal such decision at a time and place designated by the Building Official. For such purposes, the Building Official, as program administrator, shall make decisions on behalf of the city under this subchapter. The notice shall

be sent by certified mail to the registered owner at the address maintained in the Register of Deeds office of the county, at least ten days prior to any adverse decision. If the Register of Deeds does not maintain an address for the owner, then the notice may be addressed to the owner at the address maintained by the County Assessor. If the owner requests the Building Official in writing or by electronic mail to mail notices to the owner at a specified address, notices to the owner shall be sufficient if mailed to the owner at the specified address.

(B) The owner of a vacant property may appeal any such adverse decision by the city or Building Official to the Director. The appeal shall be in writing and shall be mailed by certified mail or hand delivered to the Director within 14 calendar days after the adverse decision by the Building Official. The Director will review the matter on the record made by the Building Official and, after providing the owner and the Building Official an informal opportunity to be heard, the Director will make the final decision.

(Ord. 1407, passed 1-19-21)

§ 150.89 INSPECTIONS; CITATIONS; INSPECTION WARRANTS.

(A) The Building Official or his or her designee is authorized to inspect the interior and exterior of a residential building that is displaying evidence of vacancy, as determined by the Building Official. The Building Official or his or her designee is also authorized to inspect the interior and exterior of a vacant residential building upon registration under this subchapter, or when the property is originally required to be registered under this subchapter, and at one-year intervals thereafter for so long as the property remains on the vacant property registration data base. At least ten days in advance of a proposed

inspection under this subchapter, the Building Official shall mail the owner, by certified United States mail, a notice of proposed inspection, advising the owner of the building address, and the date and time of the proposed inspection. In the case of multiple owners of a building, a notice mailed to any owner shall be sufficient. If the owner has provided the Building Official the name and address of a property manager or the owner's agent, the notice of proposed inspection may be mailed to the owner, the property manager, or the owner's agent, at the Building Official's discretion.

(B) It shall be the responsibility of the owner, the property manager, or the owner's agent to be present at the property at the date and time specified by the Building Official for the proposed inspection, to provide access for the inspection. If none of such individuals is present at the time and place of the proposed inspection, the owner, owners, property manager, or owner's agent who were mailed notice of the proposed inspection shall be guilty of a misdemeanor and shall be fined in any sum not to exceed \$500.

(C) If, upon any such inspection, the Building Official observes any condition that constitutes a violation of, or that causes the building to be out of compliance with, this subchapter, or with any other any law or regulation, or any other provision of the city code, the Building Official may take such action as may be directed by law or as the Building Official may deem to be appropriate to notify or cite the owner for such condition or violation.

(D) If any owner or individual lawfully in control of a residential building or vacant residential building fails or refuses to consent to access and entry to the property or building under such individual's ownership or control for any inspection pursuant to this subchapter, or if the owner, the property manager, or the owner's agent fails to provide such access and entry at the date and time specified by the Building Official for the inspection, the Building Official may apply for and obtain a warrant or other appropriate court order authorizing such inspection in accordance with applicable law, including but not limited to, Neb. RS 29-830 *et seq.*

(E) Unless otherwise provided in the city's master fee ordinance or other ordinance of the city:

(1) An initial inspection of a residential building or vacant residential building shall be conducted at no charge; and

(2) Inspection of a residential building or vacant residential building after the initial inspection also shall be conducted at no charge if all violations noted in the preceding inspection have been corrected. If any such violation has not been corrected, a fee shall be charged for inspections after the initial inspection as provided in the master fee ordinance, which fee shall be paid by the owner before a property is removed from the vacant property registration list.

(F) If any claim is made or action brought against an officer, official, or employee of the city charged or assisting with administration or enforcement of this subchapter, because of an act performed by him or her in the reasonable and good faith administration or enforcement of any provision of this subchapter, the claim or action shall be defended by the city or by the city's insurer at its cost until the final termination of the proceedings therein.

(Ord. 1407, passed 1-19-21)

§ 150.90 CRIMINAL VIOLATIONS; PENALTIES.

Any owner or agent of an owner upon whom a duty is placed by the provisions of this subchapter who fails, neglects, or refuses to perform such duty, or who violates a provision of this subchapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$500 or be imprisoned in the county jail for a period not to exceed six months, or both, provided, each person so convicted shall be fined in a sum not less than \$200 for the first offense, not less than \$300 for a second offense, and not less than \$400 for the third offense and each offense thereafter. The penalties provided herein shall be cumulative. Each day that a violation of this subchapter continues shall constitute a separate and distinct offense and shall be punishable as such.

(Ord. 1407, passed 1-19-21)

§ 150.91 SUPPLEMENTAL PROVISIONS; SUBCHAPTER NOT EXCLUSIVE.

The provisions of this subchapter shall be supplemental and in addition to any other laws of the State of Nebraska or the city. This subchapter does not repeal, modify, or limit the remedies, penalties, actions, or abatement measures that may be taken or imposed at law or in equity by the Building Official or the city for any act or omission that violates any federal, state or local law or regulation, regardless of whether the act or omission is also a violation of this subchapter.

(Ord. 1407, passed 1-19-21)

§ 150.99 PENALTY.

Any person, firm or corporation who violates any of the prohibitions or provisions of any subchapter or section of this chapter or who neglects or refuses to comply with the enforcement thereof shall be deemed guilty of a misdemeanor. Unless otherwise specified on the particular subchapter or section for which the person stands convicted of violating, the penalty for such violation shall be in an amount not to exceed \$500 dollars and/or imprisonment for any length of time not to exceed three months in the discretion of the court.

(‘79 Code, § 9-902) (Am. Ord. 752, passed 11-17-98)

CHAPTER 151: PLANNING

Section

- 151.01 Comprehensive Plan adopted
- 151.02 Adoption of official La Vista Comprehensive Plan Update

§ 151.01 COMPREHENSIVE PLAN ADOPTED.

In order to accommodate anticipated long-range future growth, the City of La Vista Comprehensive Plan, updated December 2018, as amended February 1, 2022, and including and incorporating therein, without limitation, the redevelopment plan for the 84th Street redevelopment area, amendment No. 1 to the redevelopment plan for the 84th Street redevelopment area, and amendment No. 2 to the redevelopment plan for the 84th Street redevelopment area, as Appendices D, E-1 and E-2, respectively, and further including and incorporating therein, without limitation, all other Appendices A, B, C, F, and G, as presented and on file with the City Clerk and as may from time to time be amended, is adopted as and shall constitute the comprehensive development plan of the City of La Vista and general plan for development of the city as a whole. Three copies of the adopted plan and any amendments thereto shall be kept with enacting or amending ordinances on file with the City Clerk and available for inspection by any member of the public during office hours. ('79 Code, § 12-101) (Am. Ord. 387, passed 8-6-85; Am. Ord. 519, passed 3-5-91; Am. Ord. 693, passed 10-7-97; Am. Ord. 1367, passed 9-17-19; Am. Ord. 1379, passed 2-4-20; Am. Ord. 1382, passed 3-3-20; Am. Ord. 1404, passed 12-15-20; Am. Ord. 1436, passed 2-1-22)

§ 151.02 ADOPTION OF OFFICIAL LA VISTA COMPREHENSIVE PLAN UPDATE.

The City of La Vista Comprehensive Plan, updated December 2018, as amended February 1, 2022, received and recommended by the La Vista Planning Commission, and including and incorporating therein, without limitation, the redevelopment plan for the 84th Street redevelopment area, amendment No. 1 to the redevelopment plan for the 84th Street redevelopment area and amendment No. 2 to the redevelopment plan for the 84th street redevelopment area, as Appendices D, E-1 and E-2, respectively,

and further including and incorporating therein, without limitation, all other Appendices A, B, C, F, and G, as presented and on file with the City Clerk and as may from time to time be amended, is hereby adopted and shall constitute the official governing comprehensive development plan of the city, general plan for development of the city as a whole, and the successor and replacement of the City of La Vista Comprehensive Plan, updated December 2018, as amended December 15, 2020, or any other previously adopted comprehensive development plan or amendment thereto.

('79 Code, § 12-102) (Ord. 387, passed 8-6-85; Am. Ord. 519, passed 3-5-91; Am. Ord. 693, passed 10-7-97; Am. Ord. 1367, passed 9-17-19; Am. Ord. 1379, passed 2-4-20; Am. Ord. 1382, passed 3-3-20; Am. Ord. 1404, passed 12-15-20; Am. Ord. 1436, passed 2-1-22)

CHAPTER 152: SUBDIVISIONS

Section

- 152.01 Subdivision regulations adopted
- 152.02 Designation of territory

§ 152.01 SUBDIVISION REGULATIONS ADOPTED.

To provide for harmonious development of the city and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience or prosperity; to insure conformance of subdivision plans with the capital improvement of the city; and to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers and the Planning Commission and City Council, the 2014 Subdivision Regulations for the City of La Vista, Nebraska, as may from time to time be amended, is adopted. The adopted Subdivision Regulations and amendments thereto shall be kept on file with the City Clerk and available for inspection by any member of the public during office hours.
(‘79 Code, § 13-101) (Am. Ord. 726, passed 5-5-98; Am. Ord. 906, passed 6-3-03; Am. Ord. 1211, passed 2-4-14)

§ 152.02 DESIGNATION OF TERRITORY.

No owner of any real property located within the area designated in this section may subdivide, plat or layout such real property and building lots, streets or other portions of the same intended to be dedicated for public use, or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained the approval of the City Council or its agent designated pursuant to law. The city shall execute such subdivision and platting jurisdiction over the area within the corporate limits of the city as said limits shall, from time to time, exist together with all areas outside the city corporate limits which shall be situated within two miles thereof and which are within the boundaries of the zoning districts established and shown on the Official Zoning Map of the city as the same may be amended from time to time.
(‘79 Code, § 13-102) (Ord. 613, passed 2-7-95)

CHAPTER 153: ZONING

Section

153.01 Adoption by reference

§ 153.01 ADOPTION BY REFERENCE.

Certain documents in book form, copies of which are on file in the office of the City Clerk and designated as the zoning regulations of the city, including any city ordinances regulating signs, and all amendments, revisions, or editions thereto adopted from time to time by the City Council are hereby adopted by reference into this code of ordinances as the zoning regulations of the city as if set out fully herein.

('79 Code, §§ 8-201 and 11-101)

CHAPTER 154: STORM WATER MANAGEMENT REGULATIONS

Section

- 154.01 Purpose and authority
- 154.02 Incorporation by reference
- 154.03 Definitions
- 154.04 Illicit discharges prohibited
- 154.05 Prohibition of illicit connections
- 154.06 Removal of illicit connection
- 154.07 Private storm water conveyance systems
- 154.08 Discharge of sanitary sewage prohibited
- 154.09 Damage to the municipal storm sewer system
- 154.10 Waste disposal prohibitions
- 154.11 Prohibited discharges from industrial/commercial activities
- 154.12 Notification of prohibited discharges required
- 154.13 Grading permit required
- 154.14 Application for grading permit
- 154.15 Grading permit fee
- 154.16 Issuance of grading permit
- 154.17 Erosion and sediment control at construction and development sites
- 154.18 Requirement for all new development and redevelopment projects
- 154.19 Post-construction storm water management plan
- 154.20 Exemptions from the post-construction storm water management plan
- 154.21 Maintenance of post-construction BMPs
- 154.22 Admission to property
- 154.23 Regulatory actions
- 154.24 Notice of violation; correction of violations
- 154.25 Penalty; recovery of damages
- 154.26 Additional rules and regulations
- 154.27 Appeals
- 154.28 Conflicts with other code sections

§ 154.01 PURPOSE AND AUTHORITY.

(A) The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts

associated with increased and altered storm water runoff. Proper management of storm water runoff will minimize damage to public and private property, reduce the harmful effects of development on land, control stream channel erosion, reduce local flooding, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

(B) The application of this chapter and provisions expressed herein shall be the minimum storm water management requirements and shall not be deemed a limitation on such management practices. The city shall be responsible for the coordination and enforcement of the provisions of this chapter.

(C) The provisions of this chapter shall be applicable to all that property within the city's zoning jurisdiction.

(Ord. 1002, passed 8-1-06)

§ 154.02 INCORPORATION BY REFERENCE.

For the purpose of this chapter, the Omaha Regional Stormwater Design Manual, in its most current form, is incorporated by reference.

(Ord. 1002, passed 8-1-06)

§ 154.03 DEFINITIONS.

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

BEST MANAGEMENT PRACTICES (BMPs). Pollution control practices designed and carried out to reduce the pollutants contained in discharges, including low impact development techniques.

BUILDING DRAIN. That part of the lowest horizontal piping of a wastewater drainage system that receives the discharge from soil and waste pipes inside the walls of the building and conveys it to the building sewer, beginning two feet outside the inner face of the building wall.

CBO. The Chief Building Official for the city or his/her authorized agent or representative.

CITY. City of La Vista.

CLEAN WATER ACT. The Federal Water Pollution Control Act, which was enacted in 1972 to prohibit the discharge of pollutants to receiving waters of the United States and later amended in 1987, to establish a framework for regulating municipal, industrial, and construction storm water discharges under the NPDES Program.

COMMERCIAL ACTIVITY. Any public or private activity not defined as an industrial activity in 40 Code of Federal Regulations (CFR) 122.26(b)(14) as of the date of this chapter, involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or non-professional services.

CONSTRUCTION ACTIVITY. Any clearing, grading, or excavation that results in soil disturbance. **CONSTRUCTION ACTIVITY** also includes, but is not limited to, construction, repairs, dewatering, remodeling, building, and emergency construction activities required to immediately protect public health and safety.

DIRECTOR. The Director of the Public Works Department for the city or his/her authorized agent or representative.

DISCHARGE. Any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance to the municipal storm sewer system.

HAZARDOUS SUBSTANCE. Any substance designated under 40 CFR Part 116 pursuant to section 311 of the Clean Water Act.

ILLICIT CONNECTION. Any human made conveyance that is directly or indirectly connected to the municipal separate storm sewer system and allows for an illicit discharge.

ILLICIT DISCHARGE. Any discharge to the municipal separate storm sewer system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. **ILLICIT DISCHARGE** includes all non-storm water discharges except discharges pursuant to a NPDES permit or conditionally exempted by ordinance and include those prohibited in §§ 154.04 and 154.11.

ILLICIT DISPOSAL. Any disposal, either intentional or unintentional, of material(s), substance(s), or waste(s) that has the potential to pollute runoff unless otherwise allowed by law.

INDUSTRIAL ACTIVITY. Any public or private activity which is associated with any other of the 11 categories of activities defined in 40 CFR 122.26(b)(14), as of February 17, 2009.

INDUSTRIAL/COMMERCIAL FACILITY. Any public or private facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, or any facility involved and/or used in providing professional services. This category of facility includes but is not limited to, any facility defined by a Standard Industrial Code (SIC).

LOW IMPACT DEVELOPMENT (LID). De-centralized management of precipitation that would otherwise be storm water runoff, utilizing design techniques that infiltrate, filter, store, evaporate, or temporarily detain storm water.

MAXIMUM EXTENT PRACTICABLE. A standard for implementation of storm water management programs to reduce pollutants in storm water. It is the maximum extent possible taking into account equitable consideration of competing factors, including, but not limited to the seriousness of the problem, public health risk, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement, cost and technical feasibility.

MUNICIPAL STORM SEWER SYSTEM. Any pipe, ditch or gully, or system of pipes, ditches, or gullies, that is owned or operated by the city and used for collecting and conveying storm water.

NEW DEVELOPMENT. Land-disturbing activities; structural development, including construction or installation of a building or structure, the creation of impervious surfaces; and land subdivision.

NON-STORM WATER RUNOFF. Any discharge to the municipal storm sewer system that is not composed entirely of storm water.

NPDES. The National Pollutant Discharge Elimination System and is implemented and enforced by a permit issued by the U.S. Environmental Protection Agency, or the Nebraska Department of Environmental Quality (NDEQ) pursuant to the Clean Water Act that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge.

NUISANCE. Any nuisance as defined in § 92.15 of this code and also as defined under **PUBLIC NUISANCE**.

POLLUTANT. The same as defined in section 502(6) of the Clean Water Act including, but are not limited to the following, but does not include uncontaminated storm water, potable water, groundwater, or reclaimed water by a lawfully permitted water treatment facility.

(1) Materials (including but not limited to fuels, solvents, chemical, detergents, plastic, pellets, hazardous substances, radioactive wastes, fertilizers, pesticides, paints, soot, slag, ash, sludge);

(2) Metals and non-metals both soluble and insoluble (including but not limited to cadmium, lead, zinc, copper, silver, nickel, chromium, chlorine, phosphorous, and arsenic);

(3) Petroleum hydrocarbons (including but not limited to fuels, oils, lubricants, surfactants, waste oils, solvents, coolants, and grease);

(4) Eroded soils, sediment, and particulate materials in amounts, which may adversely affect the beneficial use of the receiving waters, flora, or fauna of the state;

(5) Animal wastes (including but not limited to discharge from confinement facilities, kennels, pens, recreational facilities, and stables);

(6) Substances having acidic or corrosive characteristics, unusual coloration or turbidity;

- (7) Any domestic or industrial wastewater;
- (8) Any hazardous substance.

PRIVATE STORM WATER CONVEYANCE SYSTEM. A storm water conveyance system that is not owned or maintained by the city including any instrumentality that drains or conveys water from a building or from/through one or more properties to the environment or the city's storm water system.

PUBLIC NUISANCE. Any discharge in violation of the provisions of this chapter, a wastewater discharge permit, or an order of the City Council.

RECEIVING WATERS. All surface water bodies, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation ditches, gullies or channels, drainage systems, and all other bodies or accumulation of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the extraterritorial jurisdiction of the city.

RUNOFF. Any storm water or non-storm water discharges from a drainage area that enters the municipal storm sewer system. The term **RUNOFF** is interchangeable with the term **URBAN RUNOFF**.

SANITARY SEWAGE. Liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions.

SEPARATE STORM SEWER. Pipe or conduit, which by designation of the Director, carries only storm water runoff, discharges pursuant to a NPDES permit or discharges conditionally exempted by ordinance.

SIGNIFICANT REDEVELOPMENT.

(1) Land-disturbing activity that results in the creation, addition or replacement of at least 5,000 square feet of impervious surface area on an already developed site. Redevelopment includes, but is not limited to the following activities that meet the minimum standards set forth in this definition:

- (a) The expansion of a building footprint;
- (b) Addition or replacement of a structure;
- (c) Replacement of impervious surface that is not part of a routine maintenance activity; and
- (d) Land-disturbing activities related to structural or impervious surfaces.

(2) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States, Office of Management and Budget.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A plan required by the State of Nebraska under either the general permit for storm water discharges or an individual NPDES permit, which includes requirements for storm water discharges associated with either industrial or construction activities. The purpose of the plan is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges.

STORM WATER RUNOFF. That part of natural precipitation (rainfall or snowmelt, including that of any frozen precipitation), which travels via flow across any surface to the municipal storm sewer system.

STREET WASH WATER. The water and the associated debris resulting from the washing of streets and/or sidewalks.

URBAN RUNOFF. Any storm water and non-storm water runoff from developed land in, or adjacent to, any municipality.

U.S. EPA. The United States Environmental Protection Agency.
(Ord. 1002, passed 8-1-06; Am. Ord. 1085, passed 2-17-09)

§ 154.04 ILLICIT DISCHARGES PROHIBITED.

(A) No person shall cause the discharge of non-storm water runoff to enter the municipal separate storm sewer system unless the discharge is one of the following:

- (1) Authorized by a NPDES permit issued by EPA, or NDEQ;
- (2) Caused by or resulting from one of the following:
 - (a) Firefighting activities, where such discharges or flows contain no significant sources of pollutants;
 - (b) Landscape irrigation;

- (c) Diverted stream flows;
- (d) Rising ground waters;
- (e) Uncontaminated ground water infiltration, as defined at 40 CFR 35.2005(20);
- (f) Uncontaminated pumped ground water;

- (g) Discharges from potable water sources;
- (h) Foundation drains;
- (i) Air conditioning condensation;
- (j) Irrigation water;
- (k) Springs;
- (l) Water from crawl space pumps;
- (m) Footing drains;
- (n) Lawn watering;
- (o) Individual residential car washing;
- (p) Flows from riparian habitats and wetlands;
- (q) Dechlorinated swimming pool discharges;
- (r) Street wash water.

(3) Authorized by the City of La Vista.

(B) All exempt discharges, as listed above, must be in conformance with all other provisions of this code.

(Ord. 1002, passed 8-1-06)

§ 154.05 PROHIBITION OF ILLICIT CONNECTIONS.

No person shall install, maintain, or use any connection to the municipal separate storm sewer system that may result in an illicit discharge to the municipal storm sewer system. All connections to the municipal storm sewer system that provide for an illicit discharge from inside a building are prohibited.

This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. For illicit connections made in the past, a plan to remedy the illicit connection shall be submitted to the Director or CBO.

(Ord. 1002, passed 8-1-06)

§ 154.06 REMOVAL OF ILLICIT CONNECTION.

If any person fails to disconnect an illicit connection upon 30-day prior notification by the CBO or Director, the CBO or Director may cause the removal of such connection from the municipal storm sewer system. The city may pursue the recovery of costs by appropriate means including a suit at law against the person or persons responsible for such disconnection.
(Ord. 1002, passed 8-1-06)

§ 154.07 PRIVATE STORM WATER CONVEYANCE SYSTEMS.

(A) The owner of a property where a private storm water conveyance system is located shall be responsible for the maintenance and repair, and proper operation of the private storm water conveyance system, regardless of whether the private storm water conveyance system is completely located on the private property or partially within the public right-of-way. The city shall have no responsibility or obligation for the maintenance, repair, or proper operation of a private storm water conveyance system.

(B) If the CBO or Director determines that a private storm water conveyance system is not operating properly and causes the improper discharge of storm water to the street, sidewalk or municipal storm sewer system, the CBO or Director may declare this condition to constitute a public nuisance and proceed to abate that nuisance in accordance with § 154.04.
(Ord. 1002, passed 8-1-06)

§ 154.08 DISCHARGE OF SANITARY SEWAGE PROHIBITED.

No person shall cause discharge of sanitary sewage to the municipal separate storm sewer system. In addition, if the Director determines that a building drain or building sewer is not operating properly and causes the discharge of sewage to the street, sidewalk, or municipal separate storm sewer system, the Director may declare this condition to constitute a public nuisance and proceed to abate that nuisance in accordance with § 154.04.
(Ord. 1002, passed 8-1-06)

§ 154.09 DAMAGE TO THE MUNICIPAL STORM SEWER SYSTEM.

It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal storm sewer system.
(Ord. 1002, passed 8-1-06)

§ 154.10 WASTE DISPOSAL PROHIBITIONS.

No person shall throw, deposit, place, leave, maintain, litter, keep, or permit to be thrown, deposited, left, maintained or kept any pollutant, refuse, rubbish, food waste, yard waste, garbage, or any other discarded or abandoned objects in or upon any public or private property, driveway, parking area, street, alley, sidewalk, or other location that may result in an illicit discharge to the municipal storm sewer system. Wastes placed in containers protected from urban runoff such as bags, cans, or recycling bins, and city-approved wastes from construction on public right-of-way are exempted from this prohibition.

(Ord. 1002, passed 8-1-06)

§ 154.11 PROHIBITED DISCHARGES FROM INDUSTRIAL/COMMERCIAL ACTIVITIES.

The following list of discharges from industrial/commercial activities shall be considered prohibited unless permitted under a separate NPDES permit or approved by the City Public Works Department. This list is based on § 154.04 regarding illicit discharges prohibited, but is not an exhaustive list of prohibited discharges to the municipal storm sewer system:

- (A) Water from the cleaning of vehicle fueling stations, vehicle service garages, or other types of vehicle service facilities.
- (B) Water, cleansers, or solvents from the cleaning of vehicles, machinery or equipment, and other such commercial and industrial operations
- (C) Water from the washing or rinsing of vehicles containing soap, detergents, solvents, or other cleaners.
- (D) Water from the cleaning or rinsing of vehicle engine, undercarriage, or auto parts cleaning.
- (E) Vehicle fluids.
- (F) Mat wash water from food service facilities.
- (G) Food and kitchen cleaning water from food service facilities.
- (H) Leakage from dumpsters or trash containers.
- (I) Water from the cleaning or rinsing of garbage dumpster areas and areas where garbage is stored or contained.
- (J) Water from pressure washing, steam cleaning, and hand scrubbing of sidewalks, gutters, plazas, alleyways, outdoor eating areas, steps, building exteriors, walls, driveways, and other outdoor surfaces.

(K) Wastewater or cleaning fluids from carpet cleaning.

(L) Swimming pool and spa water.

(M) Wash out from concrete trucks.

(N) Runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored.

(O) Super-chlorinated, i.e. greater than four mg/l chlorine, water normally associated with the disinfection of potable water systems.

(Ord. 1002, passed 8-1-06)

§ 154.12 NOTIFICATION OF PROHIBITED DISCHARGES REQUIRED.

(A) In the event of discovery of a discharge to the municipal storm sewer system that is prohibited by this code, the discharger or permittee shall immediately notify the CBO or Director of the incident by telephone, facsimile or e-mail. The notification shall include the discharge location, type of materials discharged, estimated concentration and volume of the discharge, and corrective actions taken to contain or minimize the effects of the discharge.

(B) In addition, a written report, facsimile or e-mail, addressed to the CBO or Director detailing the date, time and cause of the discharge, the quantity and characteristics of the discharge, corrective actions taken to contain or minimize the effects of the discharge, and corrective actions taken to prevent future discharges shall be filed by the responsible person within five days of the occurrence of the non-complying discharge.

(Ord. 1002, passed 8-1-06)

§ 154.13 GRADING PERMIT REQUIRED.

It shall be unlawful for any person to engage in or cause any grading, clearing, or excavation activities that result in the disturbance of any land areas sufficiently large to require a general NPDES construction site storm water permit, without the property owner, tenant, or easement holder, or their agent, first obtaining a grading permit from the city's Permits and Inspection Division. This section shall not apply to grading performed solely for agricultural purposes.

(Ord. 1002, passed 8-1-06)

§ 154.14 APPLICATION FOR GRADING PERMIT.

(A) Any property owner, tenant, or easement holder, or their agent, desiring a grading permit shall make an application to the Permits and Inspections Division on the forms provided by the division.

(B) Any property owner, tenant, or easement holder, or their agent, desiring a grading permit shall also submit to the city's Permits and Inspection Division a completed NDEQ notice of intent/permit application for coverage under the general NPDES construction site storm water permit. Such permit application shall be made on forms provided by the NDEQ and distributed by the Permits and Inspection Division. The City shall review all such completed applications and then forward the documents to the NDEQ for approval or denial.
(Ord. 1002, passed 8-1-06)

§ 154.15 GRADING PERMIT FEE.

Before any grading permit application will be accepted by the Permits and Inspection Division, the applicant shall pay to the city a fee in such amount set from time to time by the Mayor and City Council, and a current record of such amount shall be maintained by the City Clerk.
(Ord. 1002, passed 8-1-06)

§ 154.16 ISSUANCE OF GRADING PERMIT.

If, after, examination of the application for a grading permit, the CBO has determined that the proposed plan will meet the requirements of this chapter and if the NDEQ approved the NPDES application for the project, or fails to review and approve or deny the application within 14 days, then the Permits and Inspection Division shall issue the grading permit.
(Ord. 1002, passed 8-1-06)

§ 154.17 EROSION AND SEDIMENT CONTROL AT CONSTRUCTION AND DEVELOPMENT SITES.

Provisions for erosion and sediment control at construction and development sites are set forth in the Omaha Regional Stormwater Design Manual. The provisions thereof shall be controlling of all subjects contained therein within the corporate limits and within the jurisdictional area outside the city limits. In the event of any conflict between the provisions of the Omaha Regional Stormwater Design Manual, or any other ordinance, and the provisions of an NPDES permit issued by the State of Nebraska, the provision that imposes the higher or most stringent or most specific practice shall prevail.
(Ord. 1002, passed 8-1-06)

§ 154.18 REQUIREMENT FOR ALL NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS.

Land development and significant redevelopment projects with the potential to add pollutants to storm water or to affect the flow rate or velocity of storm water runoff after construction is completed

must include provisions for the management of the increased post construction runoff in a post-construction storm water management plan.

(Ord. 1002, passed 8-1-06)

§ 154.19 POST-CONSTRUCTION STORM WATER MANAGEMENT PLAN.

(A) The post-construction storm water management plan shall be submitted to the city, on a form or format specified by the Director, as part of any preliminary plat application required in the Subdivision Regulations. Any parcel of land that is to be developed which requires a grading permit, or requires a building permit and creates more than 5,000 square feet of impervious surface, or requires a building permit and meets the definition of significant redevelopment, and is not already covered by an approved post-construction storm water management plan (PCSWMP), shall have a PCSWMP applicable to the parcel of land prepared and submitted to the city.

(B) The PCSWMP shall include at a minimum the design, locations, schedules and procedures for inspection and maintenance of the selected BMPs. Erosion and sediment control BMPs during the construction process are to be addressed in the grading permit documents. The BMPs for the PCSWMP shall include low impact development (LID) BMPs to provide for water quality improvements in the first one-half inch of runoff from the site. Refer to the Omaha Regional Storm Water Design Manual for information on BMPs. For significant redevelopment sites, the calculation of the area requiring control of the first one-half inch of runoff shall be based only on the impervious area of the project site that is being added or replaced.

(Ord. 1002, passed 8-1-06; Am. Ord. 1085, passed 2-17-09))

§ 154.20 EXEMPTIONS FROM THE POST-CONSTRUCTION STORM WATER MANAGEMENT PLAN.

Systems designed to accommodate only one single family dwelling unit, duplex, triplex, or quadraplex, provided the single unit is not part of a larger common plan of development or sale, are exempt from the requirements in this chapter to submit a post-construction storm water management plan.

(Ord. 1002, passed 8-1-06)

§ 154.21 MAINTENANCE OF POST-CONSTRUCTION BMPS.

(A) The owners and occupants of lands on which structural post-construction BMPs have been installed to meet the requirements of this chapter shall ensure the maintenance of these BMPs and shall themselves maintain those BMPs if other persons or entities who are also obligated to maintain those

BMPs (by contract or covenant, or pursuant to this chapter) fail to do so. Structural BMPs shall be inspected at least annually, and a written record of inspection results and any maintenance work shall be maintained and available for review by the city.

(B) The responsibility to maintain a BMP may be transferred through a contract or other agreement. The person or entity accepting a maintenance obligation in such a contract or agreement will also be legally obliged to maintain that BMP pursuant to this chapter. However, no contract or other agreement imposing an obligation to maintain a BMP can relieve a person or entity of any obligation to maintain a BMP imposed by this chapter.

(C) The maintenance agreement shall require the applicant or owner to execute an inspection and maintenance agreement, to be filed of record, binding on all subsequent owners of land served by a private storm water management facility. Such agreement shall provide for access to the facility, at reasonable times, for inspections by the city or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

(D) The applicant and/or owner shall record the maintenance agreement with the Register of Deeds.

(E) The maintenance agreement shall also provide that if after notice by the city to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) or occupant within a reasonable period of time (30 days maximum), the city may perform all necessary work to place the facility in proper working condition. The owner(s) or occupant of the facility shall be assessed the cost of the work and any lawful penalties.

(Ord. 1002, passed 8-1-06)

§ 154.22 ADMISSION TO PROPERTY.

(A) Whenever it shall be necessary for the purposes of these rules and regulations, the CBO or Director, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:

- (1) Copying any records required to be kept under the provisions of this chapter;
- (2) Inspecting any BMPs; and
- (3) Sampling any discharge to the municipal storm sewer system.

(B) The CBO or Director may enter upon the property at any hour under emergency circumstances. The authority to so inspect, sample and copy records shall be limited to only those things, and only the extent, that it has a direct bearing on the kind and source of discharges into the municipal storm sewer system.

(Ord. 1002, passed 8-1-06)

§ 154.23 REGULATORY ACTIONS.

If substances in violation of § 154.04 are discharged or proposed to be discharged into the municipal storm sewer system of the city or any tributary thereto, the city may take action necessary to:

(A) Prohibit the discharge of such effluent;

(B) Require a discharger to demonstrate that modifications to such discharger's facilities will reduce or eliminate the discharge of such substances in conformity with this chapter;

(C) Require pretreatment, including storage, detention or retention facilities necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these prohibitions and limitations;

(D) Require the person making, causing, or allowing the discharge to pay an additional cost or expense incurred by the city for taking remedial actions as may be deemed to be desirable or necessary to achieve the purpose of this chapter;

(E) Require any combination or all of the above.

(Ord. 1002, passed 8-1-06)

§ 154.24 NOTICE OF VIOLATION; CORRECTION OF VIOLATIONS.

Whenever the Chief Building Official or Public Works Director finds that any person has violated or is violating this chapter or any prohibition, limitation or requirement contained herein, such person shall be notified in writing.

(Ord. 1002, passed 8-1-06)

§ 154.25 PENALTY; RECOVERY OF DAMAGES.

Any person who is found to have violated an order provided for in this chapter, or who willfully or negligently failed to comply with any provisions of this chapter and the rules and regulations issued hereunder, shall be deemed guilty of a misdemeanor and shall be fined an amount that does not exceed \$500 under this chapter. Each day any such violation or failure to perform such act shall continue, shall constitute a separate offense, unless otherwise specifically provided. Except as prohibited by the state of federal constitutions, a prosecution under this chapter, shall not be the exclusive penalty for such acts or omissions.

(Ord. 1002, passed 8-1-06)

§ 154.26 ADDITIONAL RULES AND REGULATIONS.

The Director may make rules and regulations, which expand upon or add to the provisions of this chapter but are not inconsistent with them. Prior to taking effect, such rules and regulations, or any amendments thereto, shall be approved by resolution of the City Council. A copy of such rules and regulations, with any current amendments, shall be on file with the City Clerk.
(Ord. 1002, passed 8-1-06)

§ 154.27 APPEALS.

Any person aggrieved by the issuance, denial, suspension, cancellation, modification, or revocation of any permit provided for in this chapter or by any other order of the CBO or Director, may within ten days of the receipt of written notice of the entry of such order, submit a written appeal to the City Council at their next regularly scheduled meeting.
(Ord. 1002, passed 8-1-06)

§ 154.28 CONFLICTS WITH OTHER CODE SECTIONS.

The provisions of this chapter shall control over any inconsistent or conflicting provision of this code of ordinances.
(Ord. 1002, passed 8-1-06)

