

ORDINANCE NO. 2011-8

AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE VI UNSAFE BUILDINGS, BY AMENDING SECTION 18-242 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE; AND BY ADDING SECTIONS 18-243 CONFLICTS, 18-244 ADDITIONS, INSERTIONS AND CHANGES, AND 18-245 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Article VI Unsafe Buildings, Section 18-242 is amended to read as follows:

**Sec. 18-242. Property maintenance code adopted by reference.**

~~To provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures, the 2006 International Property Maintenance Code, printed in book or pamphlet form, is incorporated by reference in addition to all amendments thereto as though printed in full in this section insofar as such code does not conflict with the state statutes. One copy of the code adopted in this section is on file at the office of the building inspector and is available for public inspection at any reasonable time. The provisions of the code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction.~~

**A certain document, one (1) copy which is on file in the office of the building inspector of the City of Wayne, Nebraska, being marked and designated as the "International Property Maintenance Code 2006," as published by The International Code Council, Inc., is hereby adopted as the property maintenance code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 18-244 of this article.**

**State law references:** Adoption by reference authorized, R.R.S. 1943, 18-132.

Section 2. That Article VI Unsafe Buildings is amended by adding the following sections as follows:

**Sec. 18-243. Conflicts.**

In the event of a conflict between the provisions of the publication adopted by reference in this article and any other provisions of this Code, such other provisions shall be controlling.

**Sec. 18-244. Additions, insertions and changes.**

The following sections of the property maintenance code adopted in section 18-242 are hereby revised as follows:

*Section 101.1 Title.* Insert: the City of Wayne, Nebraska.

*Section 103.5 Fees.* Amend section to read as follows:

“The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be charged as necessary to reasonably recover costs.”

*Section 110.1 General.* Amend section to read as follows:

"The code official shall order the owner of any structure or the owner of the premises upon which any structure is located that has been condemned by the code official pursuant to this code, or in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the structure owner's or property owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal."

*Section 110.3 Failure to comply.* Amend section to read as follows:

Any person who fails to comply with a demolition order within the time prescribed shall be deemed guilty of an offense punishable by a fine of not less than five hundred dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The code official may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

*Section 111.1 Application for appeal.* Amend section to read as follows:

"Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. A fee set forth by the city council shall accompany each application for appeal to the board of appeals; and a schedule of such fees is on file and available in the city clerk's office. Such fee shall be refunded to the applicant in the event the board of appeals finds in favor of the applicant. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship."

*Section 302.4 Weeds.* Insert: twelve (12) inches.

*Section 304.14 Insect Screens.* Insert: April 1 to November 1.

*Section 602.3 Heat supply.* Amend section to read as follows:

"Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 F. (20 C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code."

*Section 602.4 Occupiable work spaces.* Amend section to read as follows:

"Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 F. (18 C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities."

**Sec. 18-245. Structures damaged by fire, flood, wind, disaster or other calamity.**

Any structure becoming uninhabitable, unusable or unoccupiable as a result of fire, flood, wind, disaster or other calamity shall be completely repaired within one (1) year of the fire, flood, wind, disaster or other calamity. If repairs are not completed within one (1) year, the structure shall be inspected by the code official. If following the inspection, the structure is determined to be uninhabitable, unusable or unoccupiable by the code official, the structure shall be demolished by the owner of the property. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal. Any appeal of the code official's decision shall be governed by the appeal provisions contained in the property maintenance code adopted by the city.

**Secs. 18-246 — 18-300. Reserved**

Section 3. That the original Sections and all ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. This ordinance may be published in pamphlet form as authorized by law.

PASSED AND APPROVED this 16<sup>th</sup> day of August, 2011.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk