

ORDINANCE NO. 8323

AN ORDINANCE OF THE CITY OF KEARNEY, NEBRASKA TO AMEND SECTION 9-1016 "UNIFORM PLUMBING CODE; ADOPTED" OF DIVISION I "UNIFORM PLUMBING CODE" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO REMOVE LANGUAGE CLARIFYING APPENDICES THAT ARE ADOPTED AND APPENDICES THAT ARE NOT ADOPTED; TO AMEND SECTION 9-1017 "AMENDMENTS TO UNIFORM PLUMBING CODE, 2015 EDITION" OF DIVISION I "UNIFORM PLUMBING CODE" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO CLARIFY CLEANOUT HEIGHTS, ADD LANGUAGE FOR PIPING OF A DISHWASHER WASTE LINE, DRINKING FOUNTAIN ALTERNATIVES AND BONDING EXCEPTION FOR CSST GAS PIPING; TO AMEND SECTION 9-1018 "SEPTIC SYSTEMS AND LEACH FIELDS" OF DIVISION I "UNIFORM PLUMBING CODE" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO CLARIFY ENFORCEMENT FOR SEPTIC SYSTEMS AND LEACH FIELDS AND CLARIFY THAT ALL PERMITS, INSPECTIONS, AND REGISTRATIONS ARE DONE THROUGH THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ); TO AMEND SECTION 9-1020 "OIL INTERCEPTORS FOR SERVICE FACILITIES AND MANUFACTURING PROCESSES" OF DIVISION I "UNIFORM PLUMBING CODE" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO REMOVE LANGUAGE TO BETTER ALIGN WITH STATE STATUTES; TO AMEND SECTION 9-1035 "PLUMBING PERMIT FEES" OF DIVISION II "PLUMBING PERMITS" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO REMOVE LANGUAGE TO BETTER ALIGN WITH STATE STATUTES; TO AMEND SECTION 9-1041 "CLASSIFICATIONS OF LICENSES" OF DIVISION III "LICENSING AND REGULATION OF PLUMBERS" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND LANGUAGE FOR CLARIFICATION OF MASTER PLUMBING LICENSE SUBMITTAL REQUIREMENTS; TO AMEND SECTION 9-1048 "EXAMINATION AND LICENSING REQUIREMENTS" OF DIVISION III "LICENSING AND REGULATION OF PLUMBERS" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO REMOVE LANGUAGE TO BETTER ALIGN WITH STATE STATUTES; TO AMEND SECTION 9-1049 "ISSUANCE OF LICENSE" OF DIVISION III "LICENSING AND REGULATION OF PLUMBERS" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND LANGUAGE TO REFLECT THE NITC PLUMBING EXAM AGREEMENT; TO AMEND SECTION 9-1051 "RENEWAL OF LICENSES" OF DIVISION III "LICENSING AND REGULATION OF PLUMBERS" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND LANGUAGE TO BETTER ALIGN WITH STATE STATUTES AND ADD THE EXCEPTION FOR

RECIPROCATON OF OTHER EQUIVALENT NATIONAL TESTS AND CERTIFICATIONS; TO AMEND SECTION 9-1052 "REVOCATION OF LICENSE" OF DIVISION III "LICENSING AND REGULATION OF PLUMBERS" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND LANGUAGE FOR CLARIFICATION PURPOSES; TO AMEND SECTION 9-1053 "PERMITTING OTHERS TO USE LICENSE" OF DIVISION III "LICENSING AND REGULATION OF PLUMBERS" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND LANGUAGE FOR CLARIFICATION PURPOSES; TO AMEND SECTION 9-1055 "LICENSES; RECIPROCITY" OF DIVISION III "LICENSING AND REGULATION OF PLUMBERS" OF ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO AMEND LANGUAGE TO BETTER ALIGN WITH STATE STATUTES; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE CITY OF KEARNEY; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH AND TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. That Section 9-1016 "Uniform Plumbing Code; Adopted" of Division I "Uniform Plumbing Code" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1016 - UNIFORM PLUMBING CODE; ADOPTED

The regulations contained in the Plumbing Code known as the "Uniform Plumbing Code, 2015 Edition" and the whole thereof, except such portions as are hereinafter deleted, modified, or amended, are hereby adopted, incorporated and made a part of this Code of Ordinances, and are applicable within the City and within the two (2) miles of the corporate limits, the same as those spread at large herein. One printed copy of such Code shall be filed in the office of the City Clerk. Subsequent editions or revisions of the Uniform Plumbing Code adopted by the provisions of this article shall be considered adopted and in full force and effect within the City and the area within two (2) miles thereof upon the approval thereof by the Council and the filing of one copy thereof in the office of the City Clerk. By this Ordinance, the Uniform Plumbing Code, 2015 Edition is adopted with the amendments, modifications and deletions as cited below.

- (1) The following chapters, sections and tables of the Uniform Plumbing Code, 2015 Edition are not adopted or approved and shall not be a part of the Code, and shall be of no force or effect in the City and its jurisdiction:
 1. Table 1-1 Plumbing Permit Fees
 2. Chapter 13-Health Care Facilities and Medical Gas and Vacuum Systems
 3. Chapter 16-Nonpotable Water Reuse Systems

All appendices will be adopted on a case by case basis with special permission from the Building Official.

Section 2. That Section 9-1017 “Amendments to Uniform Plumbing Code, 2015 Edition” of Division I “Uniform Plumbing Code” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1017 - AMENDMENTS TO UNIFORM PLUMBING CODE, 2015 EDITION

The Uniform Plumbing Code adopted by the provisions of this Article is hereby amended, altered, changed or modified as follows:

- (1) Section 415.2 Drinking Fountain Alternatives is hereby amended to read: Water stations as approved by the Building Official shall be permitted to be substituted for drinking fountains. Bottle filling stations shall be permitted to be substituted for drinking fountains up to 50 percent of the requirements for drinking fountains. Drinking fountains shall not be for an occupant load of 30 or less.
- (2) Section 603.4.2 Testing is hereby amended by adding the following text to the end of the section: Pressure vacuum breakers installed to serve lawn sprinkler systems shall conform to all other requirements of this Code and shall be tested upon installation and before being put into use. Thereafter, such devices shall be tested in accordance with the manufacturer's recommendations.
- (3) Section 604.13 Water Heater Connectors is hereby amended by adding the following exception to the end of the section: Exception: PEX tubing may be installed within the first eighteen (18) inches of an electric water heater.
- (4) Section 608.5 Discharge Piping is hereby amended by adding the following text to the end of the section: Relief valves may be piped to within eight (8) inches of the finished floor in areas which are served by a floor drain. Exception: In existing situations, relief valves are permitted to be piped to within eight (8) inches of the floor where no floor drain exists, with approval from the Administrative Authority having jurisdiction.
- (5) Section 609.11.1 Insulation Requirements is hereby amended by deleting the section in its entirety and adding the following language: The following domestic hot water piping shall be insulated as follows:
 1. Hot water piping one (1) inch and larger
 2. All piping located outside conditioned spaces
 3. All piping located under a floor slab
 4. All buried piping
- (6) Section 610.8 Size of Meter and Building Supply Pipe Using Table 610.4, Item 6 is hereby amended by adding the following text: One and two family dwelling units are each to be served by a water service with a minimum of one (1) inch nominal pipe size which conforms to ASTM D 2239.
- (7) Section 612.3.1 Required Sprinkler Locations is hereby deleted in its entirety.
- (8) Section 705.5.2 Solvent Cement Joints is hereby amended by removing the following text: purple in color.
- (9) Section 710.4 Discharge Line is hereby amended by adding the following text to the end of the first paragraph: The gate or ball valve may be omitted in single family dwelling units.

- (10) Section 710.6 Backwater Valves is hereby amended by adding the following text to the section: Backwater valves in sewer lines will only be required when specified by the Administrative Authority having jurisdiction, but may be installed when the need is determined by the user or installer.
- (11) Section 713.4 Public Sewer Availability is hereby amended to read: The public sewer shall be considered as being available when such public sewer or any building or any exterior drainage facility connected thereto, is located not more than three hundred (300) feet (91.2m) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.
- (12) Section 715.1 Materials is hereby amended to read: The building sewer, beginning two (2) feet from any building or structure, shall be of one of the following approved materials: Schedule 40 PVC or ABS, cast iron soil pipe or vitrified clay pipe with rubber compression joints.
- (13) Section 717.1 General the last sentence of the first paragraph is hereby amended to read: No building sewer shall be of less than four (4) inch nominal pipe size.
- (14) Section 719.1 Locations is hereby amended by adding the following text after the first paragraph: All sewers, except in mobile home courts, shall be provided with a 2-way cleanout at the connection of the building drain to the building sewer and that cleanout shall be accessible and cut no taller than finished grade height. Mobile homes shall be provided with a three (3) inch minimum cleanout accessible from outside the skirting.
- (15) Section 720.0 Sewer and Water Pipes is amended by adding the following section: 720.2 Sewer and Water Pipe Separation. At the property line, and ten (10) feet back of it, water and sewer lines shall be separated by a minimum of ten (10) feet of horizontal distance.
- (16) Section 723.1 General is hereby amended by adding the following text to the section: The Administrative Authority Having Jurisdiction can waive the requirement for a sewer test.
- (17) Section 807.3 Domestic Dishwashing Machine is hereby amended by adding the following text to the section: Residential dishwasher drains may be connected to a separate trap extended as high as practically possible within the cabinet and connected by means of an air break, or they may be directly connected to a garbage grinder/disposal or to a separately trapped branch tailpiece after first being routed to the underside of the countertop and secured at that location. When being attached to a garbage grinder/disposal it shall be gravity piped in a way that does not expose the dishwasher line to the grinder/disposals waste.
- (18) Section 901.2 Vents Required is hereby amended by adding the following exception: Exception: Air admittance valves or automatic vent devices shall only be allowed, with prior approval from the Administrative Authority having jurisdiction, for remodel work, for fixtures of one (1) or two (2) drainage fixture units and where it is determined by the Administrative Authority having jurisdiction that conventional venting methods are not possible and/or reasonably practical.
- (19) Section 1106.2.3 Exceptions is hereby amended to read: Storm drainage shall not be required to be tested where installed with Schedule 40 PVC pipe and solvent weld joints. Systems installed with cast iron pipe and no-hub connections shall not be required to be tested unless the total elevation change from the flood level rim of the highest roof drain or overflow drain to the invert of the pipe at the point of discharge to atmosphere exceeds twenty-five (25) feet. If the twenty-five (25) feet of elevation change is exceeded, the requirements of Section 1106.2.1 and 1106.2.2 shall be followed.
- (20) Section 1210.11.2 Emergency Shutoff Valves is hereby amended by adding the following text to the end of the section: Emergency shutoff valves shall be of a type approved for use with the gas and pressure intended and shall be such that operation of the valve will require the use of a tool and not be able to be accomplished with a bare hand.
- (21) Section 1211.2 Bonding of CSST Gas Piping is hereby amended to add the following exception to the end of the section:

Exception: CSST piping is listed with an arc resistant jacket or coating system in accordance with ANSI LC 1 / CSA 6.26

Section 3. That Section 9-1018 “Septic Systems and Leach Fields” of Division I “Uniform Plumbing Code” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1018 - SEPTIC SYSTEMS AND LEACH FIELDS

Appendix H of the Uniform Plumbing Code, 2015 Edition is specifically not adopted and shall not be a part of the Code. However, the requirements and provisions of the Nebraska Department of Environmental Control Title 124, Rules and Regulations for Design, Operation and Maintenance of Septic Tanks, shall remain in full force and effect. The minimum lot area in which a private disposal system may be installed is fifteen thousand (15,000) square feet, and the minimum lot area in which a private water system and a private disposal system may be installed is twenty thousand (20,000) square feet. Furthermore, the following requirements for liquid waste disposal in areas having no public sewer available shall apply.

All buildings having water connections or supply shall be connected to a public sanitary sewer where such sewer is available as per Section 713.4, amended. Where buildings are to be hereafter constructed or land uses changed in a fashion that sewage, wastewater or any type of contaminated or polluted liquid waste is produced and public sewer connections are not possible or practical, septic tank and disposal field systems may be permitted, provided the following requirements are met. These requirements and procedures apply to all the City of Kearney and the area lying within two (2) miles of the City limits.

All Private Sewage Systems shall be registered and permitted with the Nebraska Department of Environmental Quality (NDEQ). No dwelling or other building may be occupied until proof is provided that the waste water system has been registered with the Nebraska Department of Environmental Quality and a Certificate of Occupancy has been issued by the Building Inspector.

Section 4. That Section 9-1020 “Oil Interceptors for Service Facilities and Manufacturing Processes” of Division I “Uniform Plumbing Code” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1020 - OIL INTERCEPTORS FOR SERVICE FACILITIES AND MANUFACTURING PROCESSES

Oil interceptors for service and industrial applications shall be sized according to the following table or may, with the approval of the Building Official, be sized by an engineer licensed to practice in the State of Nebraska.

Number of Bays Served	Volume of Interceptor/ Flow Capacity of Interceptor	Storage Capacity
1 or 2 bays	10 gallon per minute	50 gallons
3 bays	6 Cu. Ft./25 gpm	100 gallons
4 bays	7 Cu. Ft./35 gpm	100 gallons

5 bays	8 Cu. Ft./35 gpm	100 gallons
6 bays	9 Cu. Ft./50 gpm	100 gallons
7 bays	10 Cu. Ft./50 gpm	100 gallons
8 to 14 bays	20 Cu. Ft./75 gpm	100 gallons
15 to 20 bays	23 Cu. Ft./100 gpm	250 gallons
21 to 25 bays	28 Cu. Ft./150 gpm	250 gallons
26 to 35 bays	38 Cu. Ft./200 gpm	250 gallons
36 to 50 bays	53 Cu. Ft./250 gpm	500 gallons

Over 50 bays to be designed by registered engineer

Storage areas in conjunction with service areas shall cause an increase in the required volume of the interceptor of one (1) cubic foot capacity per one hundred (100) square feet of storage area and the corresponding flow rate and storage capacity shall apply.

Mechanical car washes shall be served by a sand and gravel interceptor with a minimum static water capacity of fifty (50) cubic feet, which shall receive all waste water from the washing facility. Such interceptor shall have a minimum seal of six (6) inches and no outlet from a sand and gravel interceptor shall be discharged to an oil interceptor. Where motor cleaning services are rendered at mechanical car washing facilities, an oil interceptor shall be installed in that section of the drainage system which receives waste water from the motor cleaning operation.

Wash bays where vehicles are cleaned without the use of moving equipment shall be equipped with a sand interceptor which shall have an area of four (4) square feet minimum and be a minimum depth of two (2) feet below the invert of the outlet pipe and have a minimum of a six (6) inch seal depth.

Section 5. That Section 9-1035 “Plumbing Permit Fees” of Division II “Plumbing Permits” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1035 - PLUMBING PERMIT FEES

The fees as set forth in the City of Kearney Comprehensive Fee Schedule are to be paid to the City for plumbing permits and credited to the general fund of the City. The fees for permits issued for work in the area between the corporate limits and the two mile jurisdiction line shall be one and one-half times the listed rates.

Whenever work for which a permit is required is commenced without first having obtained such permit, if such permit is subsequently issued, said permit shall be issued at double the rate listed. However, this provision does not apply to emergency work when it is demonstrated to the satisfaction of the Building Official that such an emergency existed and was urgently necessary and that it was not practical therefore to obtain a permit before commencement of work. In such cases, the double permit fee

will be waived if the permit is obtained within the first eight (8) hours that the office of the Building and Zoning Division is open for business following such an event or the commencement of such work.

Section 6. That Section 9-1041 “Classifications of Licenses” of Division III “Licensing and Regulation of Plumbers” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1041 - CLASSIFICATIONS OF LICENSES

- (1) *Master Plumber:* Any person who is skilled in the planning, superintending and practical installation of plumbing and drainage, who is familiar with the ordinances and regulations governing the same, and who is engaged in the installation, repair, alteration or removal of plumbing or drainage with the full responsibility of supervision, whether doing such work by him/herself or employing journeymen plumbers and apprentices to assist him/her. The term master plumber shall include every person doing work of any character connected with the installation, repair or removal of any plumbing system or material connected with the drainage of building or property and all work requiring connections with street sewers, water mains or other plumbing, other than journeymen plumbers or plumbers' apprentices or helpers as defined in this Code and who has submitted to examination by the Building Official to determine his/her qualification to hold a master's license and has subsequently been granted such license.
- (2) *Journeyman Plumber:* Any person, employed by a master plumber, other than a plumber's apprentice or helper, who as his/her principal occupation is engaged in the practical installation, alteration, repair or removal of plumbing and who has submitted to examination by the Building Official to determine his/her qualification to hold a journeyman's license and has subsequently been granted such license.
- (3) *Plumber's Apprentice or Helper:* Any person, other than a journeyman plumber or master plumber, who as his/her principal occupation is engaged in learning and assisting in the installation, repair, alteration or removal of plumbing and drainage. No apprentice or helper shall be permitted to work at the installation, repair or removal of any plumbing or drainage, except under the personal supervision and direction of a duly licensed journeyman or master plumber.

Section 7. That Section 9-1048 “Examination and Licensing Requirements” of Division III “Licensing and Regulation of Plumbers” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1048 - EXAMINATION AND LICENSING REQUIREMENTS

An applicant for examination, having met the experience requirements specified below with documented experience time, shall apply in writing to take the examination desired. The application shall include the applicant's full name and current address, a summary of work experience and a request to be examined. The Building Official shall review all applications and, if the requirements are met, shall approve the applicant to take the examination as requested. Approved applicants must make testing arrangements with National Inspection Testing Certification Center and schedule a testing session with the Development Services Department, which will only be offered by the City of Kearney, quarterly, on the fourth Friday of the following months: January, April, July, October.

Classification	Experience Required
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Master Plumber	Applicant shall have worked under the supervision of a master plumber for a period of four (4) years, minimum, after having obtained a journeyman's plumber's license.
Journeyman Plumber	Applicant shall have worked under the supervision of a master or journeyman plumber for a period of three (3) years or have worked under said supervision for a period of two (2) years and also have completed a training class which is approved by the Building Official, after obtaining an apprentice plumber's license.
Apprentice	Applicant shall be a part-time employee of a registered master plumber.

Any experience time accrued as an apprentice, in order to be considered for the examination to become a journeyman, shall only be accrued under the registration of a registrant in that classification and any experience time accrued as a journeyman to become a master plumber shall only be accrued under the registration of a registrant in that classification.

An applicant failing to pass an examination shall not be eligible for re-examination until ninety (90) days after the failed examination. The applicant shall pay an examination fee for each re-examination required. Applicants that wish to dispute his/her test grade or questions on the examination shall contact National Inspection Testing Certification directly.

Section 8. That Section 9-1049 "Issuance of License" of Division III "Licensing and Regulation of Plumbers" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1049 - ISSUANCE OF LICENSE

Before the applicant shall be licensed as journeyman or master plumber or as, he/she shall be approved to take the examination by the Building Official, as prescribed above in Section 9-1048, pay an examination fee directly to the National Inspection Testing and Certification, and shall be required to submit to and pass a standardized, online examination, administered by National Inspection Testing Certification and proctored by the Building Official or a representative designated by the Building Official. Applicants must receive a grade of seventy-five percent (75%) in order to have shown him/herself to the satisfaction of the Building Official to be fit, competent and qualified to engage in the business, trade or calling of a master, or journeyman plumber. Applicants receiving a score of greater than seventy-five percent (75%) may be approved by the Building Official to receive a valid license. Once approved to receive a license, applicants shall pay a licensing fee to the City of Kearney as set forth in the City of Kearney Comprehensive Fee Schedule.

Section 9. That Section 9-1051 "Renewal of Licenses" of Division III "Licensing and Regulation of Plumbers" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1051 - RENEWAL OF LICENSES

Licenses, at the time of their expiration, may be renewed with the approval of the Building Official, without an examination, upon payment of the required license fee.

Any person licensed under the provisions of this Code as a master or journeyman who does not renew his/her license for a period of thirty (30) days after the expiration of same, shall pay the

examination fee required by this Code for a master or journeyman plumber, as the case may be, and shall submit him/herself to an examination by National Inspection Testing Certification before such person can again be licensed hereunder.

Exception: Already tested and passed an exam by the National Inspection Testing Certification agency or equivalent and approved by the Building Official.

Section 10. That Section 9-1052 “Revocation of License” of Division III “Licensing and Regulation of Plumbers” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1052 - REVOCATION OF LICENSE

The Building Official shall, upon having written sworn charges against the licensee filed with it, set the matter for hearing and serve written notice of the said charges and the place and time of hearing, upon the license holder at least three (3) days prior to the said hearing. The Building Official by a majority vote shall have the power to revoke or suspend any journeyman, or master plumber license, if the license was obtained through error or fraud, or if the licensee is shown to be incompetent, or has willfully violated the rules, regulations or requirements of the City, any provisions of this Code or the Building Code of the City or other causes sufficient to justify suspension or revocation of the license. This penalty shall be cumulative, and in addition to the penalties prescribed for the violation of the provisions of this Code. If a license is revoked, the holder of the same shall not apply for a license until one (1) year after the date of such revocation. The licensee may appeal said revocation to the City Council.

Section 11. That Section 9-1053 “Permitting Others to Use License” of Division III “Licensing and Regulation of Plumbers” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1053 - PERMITTING OTHERS TO USE LICENSE

No registered company or individual shall allow his/her name to be used by another entity, directly or indirectly, either to obtain a permit for the installation of any plumbing, as herein required, or to do any plumbing work. If any licensed plumber violates this provision, the Building Official may, after appropriate notice and hearing, revoke the registration issued to such company or individual. In addition to having registration revoked, the plumber of record for purposes of registration may be prosecuted under the penalty for violation of this Code.

Section 12. That Section 9-1055 “Licenses; Reciprocity” of Division III “Licensing and Regulation of Plumbers” of Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

9-1055 - LICENSES; RECIPROCITY

Any person validly licensed as a master or journeyman plumber by a city in Nebraska, provided the testing mechanism of that municipality has been verified by the City Manager or his/her designee to meet

or exceed the standards of the National Inspection Testing Certification, may apply for exemption from taking the examination specified by Section 9-1049 and, provided the applicant is otherwise qualified pursuant to this Code, the Building Official may approve the applicant to receive a valid license, and direct his/her designee to execute and deliver the license to the applicant.

The Building Official shall determine applicant's qualifications, and shall have the right to require any applicant to take an examination. In the event that an applicant is denied a license, he or she may appeal to the City Council.

Section 13. It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Kearney, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 14. That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

Section 15. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of Kearney hereby declare that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 16. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by authority of the City Council.

**INTRODUCED BY COUNCIL MEMBER _____
PASSED AND APPROVED THIS 12TH DAY OF FEBRUARY, 2019.**

ATTEST:

**STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR**

**LAUREN BRANDT,
CITY CLERK**