

ORDINANCE NO. 4442

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND CHAPTER 40 OF THE HASTINGS CITY CODE DEALING WITH PROPERTY MAINTENANCE BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; TO REPEAL ALL OTHER ORDINANCES AND PROVISIONS IN CONFLICT HERewith; TO ESTABLISH AN EFFECTIVE DATE; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

SECTION 1. That Hastings City Code Chapter 40 is hereby amended to read as follows:

CHAPTER 40

PROPERTY MAINTENANCE.

- 40-101. International Property Maintenance Code adopted.
- 40-102. Parking on residential lots.

40-101. International Property Maintenance Code adopted.

International Property Maintenance Code, 2012 Edition, as published by the International Code Council, Inc., is hereby adopted as the minimum Property Maintenance Code of this municipality 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 Hastings; providing for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, insofar as such code does not conflict with the Statutes of the State of Nebraska or other specific model codes adopted by the City of Hastings with the additions, insertions, deletions and changes, if any, as prescribed herein. One copy of the International Property Maintenance Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the International

Property Maintenance Code shall be controlling throughout the municipality and throughout its extraterritorial zoning jurisdiction.

The following sections of the International Property Maintenance Code are hereby revised: Section 101.1. Insert, "City of Hastings".

Section 102.3. Amend to read, "Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the currently adopted edition of the International Building Code, International Residential Code, International Mechanical Code, City of Hastings Electrical Code, City of Hastings Plumbing Code, City of Hastings Gas Code, and the City of Hastings Zoning Ordinance. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of Hastings Zoning Ordinance or Hastings City Code."

Section 103.1. Amend to read, "General. The Development Services Department shall oversee the administration of this code. The Building Inspector shall be the executive official in charge thereof and shall hereinafter be referred to as the code official."

Section 103.2 thru 103.3. Delete entirely.

Section 103.5. Amend to read, "Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with the annual fee resolution adopted by the Hastings City Council."

Section 111.2. Amend to read, "Board of Appeals. In order to hear and decide appeals of orders or determinations made by the building official relative to the application and interpretation of this code, all appeals and requests for interpretation shall be directed to the Board of Appeals in accordance with Chapter 28, Article VI, of the Hastings City Code."

Section 111.2.1 thru 111.2.5. Delete entirely.

Section 111.3 thru 111.8. Delete entirely.

Section 304.14. Amend to read, "Insect screens. "Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every swing door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed."

Section 602.3. Amend to read, "Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestrooms on terms, either express or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms.

Exception: When the outdoor temperature is below the winter design temperature of -3F (-19C), maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity."

Section 602.4. Amend to read, "Occupiable work spaces. "Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of 68 degrees F (20 degrees 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." (Ord. No. 3878-10/2002, 4126-6/2007 and 4249-3/2010)

40-102. Parking on residential lots.

(1) It shall be unlawful for any person to allow a vehicle or trailer to be parked within the front yard in:

(A) any residential zoning district; or

(B) a permitted residential use which is the principal use of a lot in any other zoning district, unless said vehicle or trailer is parked on a driveway.

(2) It shall be unlawful for any person to allow a vehicle or trailer to be parked within the side yard in:

(A) any residential zoning district; or

(B) a permitted residential use which is the principal use of a lot in any other zoning district, unless said vehicle or trailer is parked on a paved or other hard surface area within the side yard.

(3) Parking lots for multi-family dwellings, located in a front yard or side yard as part of an approved development plan shall not be considered a violation of this section.

For purposes of this section, the following definitions shall apply:

(a) "driveway" shall be defined as a private roadway extending from the public right of way to serve a garage, carport, or other area where parking is allowed by this Code, or to connect from one point of a public right of way to another point of a public right of way.

(b) "front yard" shall be defined as the open space extending the full width of the lot across the front of a lot adjoining a public street.

(c) "hard surface" includes concrete, asphalt, crushed rock, gravel or other approved material consistent with Chapter 34 of this Code.

(d) "side yard" shall be defined as the yard between the main building and the adjacent side lot line extending from the front yard to the rear yard.

(e) "rear yard" shall be defined as the open space extending the full width of the lot across the back of a lot extended from the rear lot line.

(f) "trailer" shall be defined as a wheeled cart, wagon or platform, designed to be towed behind a vehicle as defined herein.

(f) "vehicle" means any self-propelled vehicle which is designed for use upon a public roadway or highway, including trailers designed for use with such vehicles, including boats, canoes, jet skis, golf carts, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles and utility-type vehicles as defined in section Neb. Rev. Stat. §60-6,355, minibikes as defined in Neb. Rev. Stat. §60-636, and snowmobiles as defined in section Neb. Rev. Stat. §60-663, as those sections may from time to time be amended.

(Ord. No. 3921-5/2004 and 4091-10/2006)

SECTION 2. That all other ordinances or provisions in conflict with this ordinance are hereby repealed.

SECTION 3. Nothing in this ordinance or in the 2012 International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 8 in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 4. The provisions of this ordinance are separable and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 5. This ordinance shall take effect and be in full force from and after its passage, approval and in pamphlet form, as the case may be, said effective date

being the 24TH day of JUNE, 2015, and this ordinance shall be included in the
Hastings City Code Book.

PASSED and APPROVED this 8TH day of JUNE, 2015.

Ken P. Pauer
Mayor

(SEAL)

Kimberly S. Jacobitz
City Clerk

(SEAL)



Approved as to form:

Paul D. [Signature]
City Attorney