

CHAPTER 9  
BUILDING REGULATIONS  
Article 11. Property Code

**§9-1101 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTION BY REFERENCE.**

A. That a certain document, a copy of which is on file an the office of the City Clerk of the City of Crete, Saline County, Nebraska, being marked and designated as the International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Crete, Saline County, Nebraska for 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 as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

B. That if any section, subsection, sentence, clause or phrase of this ordinance, is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

C. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby repealed: nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

*(Ord. 1682; 06/19/07; 1708, 06/03/2008; 1796, 09/06/11)*

**§9-1101.01. PROPERTY MAINTENANCE CODE: CRETE AMENDMENTS.**

Section 104.6 of the International Property Maintenance Code is amended to read as follows:

104.6 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained for ten years.

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Section 112.4 of the International Property Maintenance Code is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$200.00 or more than \$500.00.

Section 201.3 of the International Property Maintenance Code is amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, National Fire Codes, Uniform Plumbing Code, International Mechanical Code, National Electric Code, or the International Fuel Gas Code, such terms shall have the meanings ascribed to them as stated in those codes, as adopted by the City of Crete, Nebraska.

Section 202 of the International Property Maintenance Code is amended to read as follows:

SECTION 202 - GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides a positive connection.

APPROVED. Approved by the code official.

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

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

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BLIGHT OR BLIGHTED. Any unsightly condition including the accumulation of debris, litter, rubbish or rubble; fences characterized by holes, breaks, rot, crumbling, crackling, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

CODE OFFICIAL. The Building Inspector who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

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DEBRIS. Any substance of little or no apparent economic value including, but not limited to, deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

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

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness. The lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, peeling, rusting, or any other evidence of physical decay or neglect or excessive use or lack of maintenance over a substantial or widespread area as opposed to a limited or concentrated area.

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

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

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

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

EXTERMINATION. The control and elimination of insects, rats, or other pests by eliminating their harborage places.

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

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

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms,

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closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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

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

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

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

JURISDICTION. The City of Crete, Nebraska.

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

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

LITTER. Decaying or non-decaying solid and semi-solid wastes including, but not limited to, both combustible and non-combustible wastes, such as paper, trash, cardboard, waste material, cans, yard clippings, wood, glass, bedding, debris, scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and branches, overgrown vegetation and trees which may become a fire hazard, piles of earth mixed with any of the above foreign objects, including inoperable vehicles, except, for the purposes of this code, litter shall not include organic material being composted in a safe and sanitary manner.

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NEGLECT. The omission, failure, or unreasonable forbearance in providing maintenance, pursuant to the Property Maintenance Code of the City of Crete, to buildings and structures.

NUISANCE. Nuisance shall mean any public nuisance known at common law or in equity jurisprudence including, but not limited to the following:

a) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.

b) Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer.

c) Overcrowding a room with occupants.

d) Insufficient ventilation or illumination.

e) Inadequate or unsanitary sewage or plumbing facilities.

f) Uncleanliness, as determined by the Health Officer.

g) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

h) Any building or structure which as a result of vandalism, neglect, inadequate maintenance, or lack of repair is permitted to become so blighted, deteriorated or dilapidated that such building or structure is detrimental to or endangers the health, safety, or welfare of the public or occupants thereof.

i) Any premises which as a result of vandalism, neglect or inadequate maintenance or lack of repair is permitted to become so blighted that such premises is detrimental to or endangers the health, safety, or welfare of the public or occupants thereof.

j) Vacant or abandoned buildings which for a period of three months or more have been boarded up, left in a partial state of destruction, or left in a state of partial construction after the expiration of a building permit for such construction.

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

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

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

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

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. This includes the authorized representative of the trust or estate, and the trustee, executor, personal representative, or administrator of a decedent's estate that is authorized to take control or possession of real estate pursuant to court order or applicable law. This would include trusts as well as decedents' estates.

PERSON. An individual, corporation, partnership or any entity recognized by law.

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

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

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

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

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

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other

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combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

RUBBLE. Broken solid surface fragments usually resulting from the decay or deterioration of a building; miscellaneous mass of broken or apparently worthless materials.

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

SOLID WASTE. All putresible and nonputresible wastes whether in solid or liquid form and includes garbage, scavenger matter, rubbish, ashes, refuse, fill dirt, sewage sludge, street refuse, commercial and industrial wastes, demolition debris and all used construction material, building rubbish, discarded automobile and other types of vehicle body parts or portions thereof, machinery or parts thereof, discarded home or industrial appliances, iron steel and other old or metal scrap material, manure, human excrement, vegetable or animal solids and semi-solid waste, infectious waste, special waste, lawn waste, tree limbs, branches, shrubbery, bushes, and other similar organic waste, including garden vegetative material, dead animals or parts thereof, and other discarded solid materials.

SPALLING. To break off chips.

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

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

TENNANT. A person, corporation, partnership or other entity recognized by law, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

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

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

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

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

YARD. An open space on the same lot with a structure.

Section 302.4 of the International Property Maintenance Code is amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with section 106.3 and as prescribed by the Authority Having Jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 303.2.1 is added to the International Property Maintenance Code to read as follows:

Table 303.2.1 ASTM Safety Hot Tub and Pool Cover Standards. ASTM (American Society of Testing and Materials) has developed a standard for both swimming pool and hot tub covers. This standard, ASTM F 1346-91, establishes three separate cover classifications;

1) Power Safety Covers, typically found on swimming pools.

2) Manual Safety Covers, such as the hot tub insulating covers.

3) Other covers, which do not serve as a barrier for children under the age of five and do not qualify as a safety cover.

In order for a cover to meet the definition of a "Manual Safety Cover" it must meet certain requirements which include performance tests and labeling requirements.

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Covers must be able to pass tests such as Static Load Tests for weight and support, Perimeter Deflection Tests for entry or entrapment between the cover and the side of the pool or hot tub and Surface Drainage Tests to see if a dangerous amount of rain could collect on the cover's surface. There are also requirements to include labeling in consumer information (such as the warranty), and on the cover itself. Labeling must contain the proper warnings, and identify the product as a safety cover.

Section 304.2 of the International Property Maintenance Code is amended to read as follows:

304.2 Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or by other protective covering or treatment. Peeling, flaking and chipped paint on more than 25% of any wall or face shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 304.14 of the International Property Maintenance Code is amended to read as follows:

304.14 Insect screens. During the period from March 1<sup>st</sup> to October 31<sup>st</sup>, 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, and every screen door used for insect control shall have a self closing device in good working condition.

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

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Section 304.19 is added to the International Property Maintenance Code to read as follows:

304.19 Maintenance of Buildings and Premises. All buildings, or portions thereof, shall be adequately maintained so as to be free of deterioration that endangers or is likely to endanger the life, limb, health, property, safety, or welfare of the public or occupants thereof. All exposed exterior surfaces, windows and doors of buildings, structures and the premises upon which they are located shall be adequately maintained so as to not present a deteriorated or blighted appearance.

Inadequate maintenance of buildings shall include but not be limited to the following:

1) Any building or portion thereof which is determined to be an unsafe building in accordance with the International Building Code as adopted by the City.

2) Buildings which for a period of three months or more are boarded up, left in a partial state of destruction, or left in a state of partial construction after expiration of a building permit for such construction.

3) Broken windows constituting hazardous conditions.

4) Unpainted buildings which have begun to dry rot, warp, or become infested with termites.

5) Buildings which have substantial and noticeable conditions of blight or deterioration.

6) Buildings which have cracked, chipped, flaking, peeling, or missing paint over 25% or more of any wall or face of the building.

7) Buildings which have upholstered or other furniture which is designed or manufactured primarily for indoor use with no original outdoor weatherproofing qualities including, but not limited to, upholstered chairs, upholstered couches, and mattresses used or left on unenclosed exterior porches, balconies, or in an exposed open area including, but not limited to, decks, patios, roofs, yards, driveways, or walkways.

Exterior porches shall not include any porch completely covered by a roof, when located at and attached to a building and completely enclosed by fully intact glass and/or fully intact screens which are designed to keep out insects and allow air flow.

Inadequate maintenance of the premises shall include, but not be limited to the following:

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1) Accumulation of debris, litter, rubbish, rubble, solid waste, and similar materials or conditions.

2) Dead and dying trees and limbs or other natural growth which by reason of rotting or deteriorating condition or storm damage constitute a health or safety hazard to persons in the vicinity thereof.

3) Sources of infestation.

4) Premises which have substantial and noticeable conditions of blight or disrepair.

Section 305.3 of the International Property Maintenance Code is amended to read as follows:

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, Chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. Surface mold or mildew shall be considered a sanitation issue and shall fall under the occupant's responsibility for maintaining a sanitary and clean interior environment for the purposes of this code.

Exception: When mold, mildew or dry rot is the direct result of a structural defect or code violation as determined by the code official the responsibility shall lie with the owner of the property.

Section 402.1 Habitable spaces. Remove window requirement.

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Section 502.5 of the International Property Maintenance Code is amended to read as follows:

Section 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Uniform Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided at all times during occupancy of the premises.

Section 505.1 of the International Property Maintenance Code is amended to read as follows:

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505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public or private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.

Section 506.3 of the international Property Maintenance code is amended to read as follow:

506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be required or a maintenance program shall be established with documentation submitted to the code official.

Section 602.2 of the International Property Maintenance Code is amended to read as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 602.3 of the International Property Maintenance Code is amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15<sup>th</sup> to May 15<sup>th</sup> to maintain a temperature of not less than 68° F in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1) 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.

2) In areas where the average monthly temperature is above 30° F a minimum temperature of 65° F shall be maintained.

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Section 602.4 of the International Property Maintenance Code is amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 15<sup>th</sup> to May 15<sup>th</sup> to maintain a temperature of not less than 65° F 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.

Section 702.1 of the International Property Maintenance Code is amended to read as follows:

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the NFPA as adopted by the City.

Section 704.1 of the International Property Maintenance Code is amended to read as follows:

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire of any combination thereof shall be maintained in an operable condition at all times in accordance with the NFPA as adopted by the City.

Appendix A. Boarding Standards. Deleted.

(Ord. No. 1796, 09/06/11)