

ORDINANCE NUMBER 444

AN ORDINANCE OF THE CITY OF FRIEND, SALINE COUNTY, NEBRASKA, PURSUANT TO THE REQUIREMENTS OF SECTION 81-1608 to 81-1626, REISSUE REVISED STATUTES OF NEBRASKA, ESTABLISHING MINIMUM LIGHTING AND THERMAL EFFICIENCY STANDARD FOR BUILDINGS, DEFINING TERMS, APPLICABILITY, EXEMPTIONS, ALTERNATIVES AND APPROVAL THEREOF, INSPECTIONS AND INVESTIGATIONS, METHOD OF SUBMISSION AND APPROVAL, FEES, ARCHITECTS REGISTRATIONS OR CERTIFICATION, PENALTIES FOR VIOLATIONS AND ENFORCEMENT PROCEDURE, PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AND THE TIME OF LEGAL EFFECT AND PUBLICATION.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FRIEND, SALINE COUNTY, NEBRASKA, AS FOLLOWS:

1. Lighting and thermal efficiency standards; need.

1.0 This ordinance shall be known as the Minimum Lighting and Thermal Efficiency Standards for Buildings.

1.1 The City of Friend finds that there is a present and continuing need to provide for the development and implementation of minimum lighting and thermal efficiency standards for buildings to insure coordination with federal policy under the Energy Conservation Standards for New Buildings Act of 1976, to promote the conservation of our dwindling energy resources, and to provide for the public health, safety, and welfare.

2. Terms, defined.

2.0 As used in this ordinance, unless the context otherwise requires, the following definitions shall apply:

2.1 A Prime Contractor shall mean the person, persons, entity or entities who has a contract with the owner and is the one responsible for the overall construction of any building or the installation of any component which affects the energy efficiency of the building. Prime Contractor shall also mean a property owner who performs the work of a Prime Contractor.

2.2 Architect or engineer shall mean any person registered pursuant to section 81-847, Reissue Revised Statutes of Nebraska, 1943.

2.3 Building shall mean any structure which utilizes or will utilize a heating system, cooling system, or domestic hot water system, including new buildings, renovated buildings, and additions, but not including any structure which has a consumption of traditional energy sources for all purposes not exceeding the energy equivalent of one watt per square foot.

2.4 Residential building shall mean a building three stories or less that is used primarily as one or more dwelling units.

2.5 Renovation shall mean alterations on an existing building which will cost more than fifty percent of the replacement cost of such building at the time work is commenced or which was not previously heated or cooled, for which a heating or cooling system is now proposed, except that the restoration of historical buildings shall not be included.

2.8 Standard shall mean Standard 90-75 of the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc., as it existed on April 23, 1980.

2.9 Traditional energy sources shall mean electricity, petroleum based fuels, uranium, coal, and all nonrenewable forms of energy.

3. Standard; applicability.

3.0 The Standard shall apply to:

3.1 New residential buildings on which construction is initiated on or after April 1, 1981, and

3.2 All other new buildings, or renovations of or additions to any existing buildings, on which construction is initiated on or after January 1, 1982.

4. Exemptions.

4.0 The following shall be exempt from this act:

4.1 Any building which has a peak design rate of energy usage for all purposes of less than one watt, or three and four-tenths British Thermal Units per hour, per square foot of floor area.

4.2 Any building which is neither heated nor cooled.

4.3 Any building or portion thereof which is owned by the United States of America.

4.4 Any mobil home as defined by section 71-4603, Reissue Revised Statutes of Nebraska, 1943.

4.5 Any manufactured housing unit as defined by subsection (1) of section 71-1557, Reissue Revised Statutes of Nebraska, 1943.

4.6 Any building listed on the National Register of Historic Places.

4.7 All residential buildings shall be exempt from lighting efficiency standards.

5. Request for alternative building system; approval.

5.0 Any person who owns or constructs a building to which this ordinance applies may request that an alternative building system, technique, equipment design, or building material be found equivalent to the Standard. The Chief Building Inspector shall make such determination if he finds that the proposed alternative would not result in energy consumption greater than would result from the strict application of the Standard. If the Chief Building Inspector fails to approve or disapprove the request within sixty days from the date of filing, it shall be considered approved.

6. Inspection; investigations.

6.0 The Chief Building Inspector or any person designated by him or her shall conduct inspections and investigations necessary to enforce the Standard and may, at reasonable hours, enter into any building and upon any premises within its jurisdiction for the purpose of examination to determine

6.1 During construction, the Chief Building Inspector or persons designated by him or her shall make periodic inspections to assure compliance with this ordinance.

7. Building plans, submission for approval.

7.0 Prior to the construction of, renovation of, or addition to any building covered by this ordinance, the Prime Contractor shall file sufficient plans and specifications with the Chief Building Inspector to enable him or her to make a determination whether such building will comply with the Standard. The Chief Building Inspector shall within 30 days of the filing approve or disapprove the plans and specifications. If disapproved, the reasons shall be set forth in writing to the Prime Contractor.

7.1 If the Chief Building Inspector determines that such construction, renovation or addition will comply with the Standard, he or she shall issue a written permit which the Prime Contractor shall display in a conspicuous place on the premises where the construction work is to be done. No construction, renovation or addition shall commence until a permit is issued and displayed as required by this section.

8. Fees.

8.0 The person filing the application for a permit shall, at the time of such filing, pay to the City of Friend the sum of \$25.00 for residential buildings and one cent per gross square foot for any other building.

9. When architect or engineer is retained.

9.0 If an architect or engineer is retained, the architect or engineer shall place his or her state registration seal on all construction drawings which shall indicate that the design meets the Standard. The Prime Contractor shall certify that he or she will build in accordance with the construction documents prepared by the architect or engineer. This certification must accompany the building plans submitted to the Chief Building Inspector for approval.

10. Violation; penalty; enforcement.

10.0 Any person violating any provision of this ordinance shall be subject to a maximum fine of \$500.00. In addition, the City of Friend may by an action in the District Court enforce the provisions of this ordinance through equity and injunctive processes.

11. Validity.

11.0 If any section in this ordinance or any part of any section shall be declared invalid or unconstitutional such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

12. All other ordinances of the City of Friend in conflict with the terms hereof, if any, are hereby repealed.

13. This ordinance shall be in full force and effect from and after its passage and publication one time in the Friend Sentinel Newspaper, according to law.