



Application for Appeal

- 1. Applicant: MERCEDES MURO y JUAN MURO
- 2. Property Owner (if not applicant): _____
- 3. Property Owner's Address: 307 E 7th Lexington Ne
- 4. Telephone Number: 3083242692 E-Mail Address: _____
- 5. Address or Legal Description of Property
1607 N MADISON

6. Reason for appeal of judgment:
Por no estar de acuerdo en la demolición. Ya que la casa no es mía es de mi hermano.
y nosotros pensamos que se puede arreglar

TRANSCRIBED:

BECAUSE I DO NOT AGREE WITH THE DEMOLITION.
SINCE THE HOUSE IS NOT MINE IT BELONGS TO MY BROTHER, AND WE BELIEVE THAT IT CAN BE REPAIRED.

JN

Signature of Owner

X Mercedes Perez Muro
 Signature of Applicant

Administrative Use Only		
Date Received <u>11/6/13</u>	Fee \$75.00	B.O.A. Case Number _____
Hearing Date <u>12/10/13</u>		<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Date of Appeal: _____		

City of Lexington / LEXUS

308-324-2341 / 308-324-2343

RECH: 00452038 11/06/2013 10:00 AM

OPER: jmcne TERM: 010

REF#:

TRAN: 100.0502 ZONING/REPLAT FEES

MURO, MERCEDES

100-4-00-0602

ZONING FEES 75.000R

TENDERED: 100.00 CASH

APPLIED: 75.00-

CHANGE: 25.00



308-324-2341 ♦ Fax: 308-324-4590 ♦ www.cityoflex.com
406 East 7th Street ♦ P.O. Box 70 ♦ Lexington, Nebraska 68850-0070

December 3, 2013

Mercedes Muro & Juan Muro
307 East 7th Street
Lexington NE 68850

RE: Application for Appeal
Demolition Order for 1607 North Madison Street

Dear Ms. Muro and Mr. Muro:

Enclosed is a copy of the public notice for the Board of Adjustment meeting scheduled for Tuesday, December 10, 2013, at 8:00 am in the Council Chambers at City Hall, located at 406 East 7th Street, Lexington. As your application for appeal is an item on the meeting's agenda, please have a representative at the hearing to present your case. You may enter the Council Chambers through the east door on the north side of the city hall building, marked Police/Council Chambers.

Thank you for your attention in this matter. If you have any questions, please call our office at 324-2341.

Sincerely,

A handwritten signature in cursive script that reads "Pam Baruth".

Pamela Baruth
City Clerk



Dec 4 ✓

PUBLIC NOTICE
CITY OF LEXINGTON
BOARD OF ADJUSTMENT

Notice is hereby given that a meeting of the Board of Adjustment of the City of Lexington, Nebraska, will be held at 8:00 a.m., Tuesday, December 10, 2013, in the Council Chambers at Lexington City Hall, 406 East 7th Street, Lexington, Nebraska to consider the following:

Application for Appeal by Mercedes Muro and Juan Muro of Demolition Order for structure located at 1607 North Madison Street, Lexington NE.

Which meeting will be open to the public. An agenda for said meeting will be kept continuously current and open for public inspection at the office of the City Manager at the Lexington City Hall, 406 East 7th Street; said agenda may be modified at such meeting.

At this time and place, any citizen shall have the opportunity to be heard.

CITY OF LEXINGTON, NEBRASKA

Board of Adjustment
Michael Maguire, Chairperson

Memo

To: Board of Adjustment
From: Mark Yung, Development Services Department
Date: 11/27/2013
Re: 1607 N. Madison Street Demolition Order

Timeline:

- October 2nd- Complaint fielded by the City of Lexington Utility Department. An NPPD technician alerted the department to a possible dangerous electrical situation at the location. The complaint involved a damaged meter socket; service was disconnected, noted to not reconnect until repairs were completed and the owner notified.
- October 9th- A local, licensed electrician was contracted to make repairs to the meter socket by the owner. The contractor contacted the Development Services Department with concerns about the entire electrical system.
- The tenant at the house indicated, to the contractor, that the lighting in the west half of the structure could not function unless the space heater is "turned on."
- October 10th- A letter was sent to the owner of the property, at her last known address, requesting an inspection of the property. This is standard procedure for this type of case.
- October 14th- It was reported to us that the tenants may have been continuing to occupying the premise. A condemnation order was issued, the property posted and the owner notified. A condemnation order is procedural in these cases; the issue of tenant safety triggers this order. The condemnation order places a no-occupancy restriction on the structure.
- October 16th- A thorough inspection of the property was completed. Upon inspection the structure was found to have deficiencies in the electrical, plumbing, and mechanical systems. There was no fire warning system and the egress route was constricted by debris.
- The structural deficiencies included; water damage/rot, the addition to the structure is inadequate and the windows, doors and finish coverings have damage.

October 17th- The demolition order, which is being appealed, was issued due to the dilapidated condition of the property. The owner was notified by mail and the property was posted.

It is my determination that the structure is dilapidated to the point that it is beyond reasonable repair.

Note for 1607 N Madison, Mercedes Perez De Muro, 10-16-2013

On the Assessor's Web Site it shows the total value at \$14,952 for the years 2005 through 2012.

I talked with Joyce at the Assessor's Office. The total value of the property is \$14,952 which includes the lot. The break down is Lot \$10,500.00 and the structures \$4,452.00.

Mark

10-17-2013

De Muro, Mercedes Perez
1607 N Madison
Lexington, NE 68850

Re: 1607 N Madison

De Muro, Mercedes Perez

An inspection of your property at 1607 N Madison, on 10-16-2013 shows that the structure is so old, dilapidated, or has become so out of repair that it is unreasonable to repair the structure. Pursuant to 2009 IPMC 110.1 it is hereby ordered that the structures must be demolished and removed by close of business, 1-18-2013.

2014 MLY M.P.C.

You have a right to appeal this notice and order by filing a written application for appeal with the Board of Adjustments. The application for appeal must be filed within twenty (20) days after the day this notice is served upon you. The appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

Please feel free to contact me to discuss this matter further.

Mark Yung

Mark Yung
Building Inspector

10/14/2013

COPY

DE MURO, MERCEDES PEREZ
1607 N MADISON
Lexington, NE 68850

Re: 1607 N MADISON

DE MURO, MERCEDES PEREZ,

I hereby condemn the structure because it is an unsafe structure pursuant to Section 108.1.1 of the 2009 International Property Maintenance Code in that it is dangerous to the life, health, property, or safety of the public or the occupants of the structure. Therefore, I am serving you with this notice of condemnation.

The occupants must vacate the structure and no occupancy shall be granted.

You have a right to appeal this notice and order by filing a written application for appeal with the Board of Adjustments. The application for appeal must be filed within twenty (20) days after the day this notice is served upon you and shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

Please feel free to contact me to discuss this matter further.



Mark Yung
Code Official

Thursday, October 10, 2013

COPY

DE MURO, MERCEDES PEREZ
1607 N MADISON
Lexington, NE 68850

RE: 1607 N MADISON

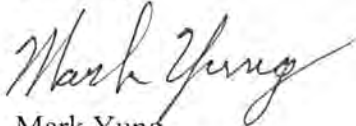
DE MURO, MERCEDES PEREZ

This is a courtesy notice informing you the City of Lexington has received a complaint that your property known as 1607 N Madison may be in violation of the City's property maintenance code. The City enforces the 2009 International Property Maintenance Code.

In order for the Building Inspector to make a formal evaluation of the property, please schedule an inspection by 10/18/2013. If violations are found, you will receive a letter outlining the violations that need to be corrected and a deadline for having them corrected. If no violations are found, the city will issue you a letter to that effect.

To schedule an inspection, please contact the Building Inspection Office at (308) 324-2341, between 8:00 AM and 5:00 PM, Monday through Friday. Your prompt attention to this matter is greatly appreciated.

Sincerely,



Mark Yung
Building Inspector
Development Services Department
myung@cityoflex.com

**City of Lexington
Property Maintenance Report**

COPY

Owner Name: Mercedes Perez De Muro
Property Location: 1607 N Madison
 10-16-13

<u>Violation (X)</u>	<u>Code Description</u>	<u>Comments</u>
	<i>Chapter 3 – General Requirements</i>	
	<i>Section 302 Exterior Property Areas</i>	
X	302.01 SANITATION. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition	
	302.02 GRADING AND DRAINAGE. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.	
X	302.3 SIDEWALK AND DRIVEWAYS. All sidewalks, walkways, stairs, driveways, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.	
	302.4 WEEDS. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.	
	302.5 RODENT HARBORAGE. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, prompt extermination shall be implemented. Precautions for reinfestation required.	
X	302.6 EXHAUST VENTS. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous particulate wastes directly upon abutting public or private property.	
X	302.7 ACCESSORY STRUCTURES. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.	Garage locked
X	302.8 MOTOR VEHICLES. No inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled.	trailer
	302.9 DEFACEMENT OF PROPERTY. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure on private or public property by placing thereon any marking, carving or graffiti.	
	<i>Section 303 Swimming Pools, Spas and Hot Tubs</i>	
	303.1 SWIMMING POOLS. Swimming pools shall be maintained in a clean and sanitary condition.	
	303.2 ENCLOSURES. Private swimming pools, hot tubs and spas, containing more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool.	
	<i>Section 304 Exterior Structure</i>	
X	304.1 GENERAL. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.	
X	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 other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.	
	304.3 PREMISES IDENTIFICATION. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.	
X	304.4 STRUCTURAL MEMBERS. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.	
X	304.5 FOUNDATION WALLS. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.	

X	304.6 EXTERIOR WALLS. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	
X	304.7 ROOFS AND DRAINAGE. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	
	304.8 DECORATIVE FEATURES. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.	
X	304.9 OVERHANG EXTENSIONS. All overhand extensions, including canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition.	
	304.10 STAIRWAYS, DECKS, PORCHES AND BALCONIES. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.	
	304.11 CHIMNEYS AND TOWERS. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.	
	304.12 HANDRAILS AND GUARDS. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	
X	304.13 WINDOW, SKYLIGHT AND DOOR FRAMES. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. All glazing materials shall be maintained free from cracks and holes. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.	
	304.14 INSECT SCREENS. From May 1 and October 1, 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 25 mm) and every swinging door shall have a self-closing device in good working condition. Exceptions: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.	
X	304.15 DOORS. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure door.	
	304.16 BASEMENT HATCHWAYS. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.	
	304.17 GUARDS FOR BASEMENT WINDOWS. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.	
	304.18 BUILDING SECURITY. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.	
	304.18.1 DOORS. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling units, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.	
X	304.18.2 WINDOWS. Operable windows located in whole or part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.	
	304.18.3 BASEMENT HATCHWAYS. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.	
	<i>Section 305 Interior Structure</i>	

X	305.1 GENERAL. The interior of a structure equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every OCCUPANT shall keep that part of the structure he occupies or controls in a clean and sanitary condition. Every OWNER of a structure containing a rooming house, hotel, dormitory, two or more dwellings units, shall maintain in a clean and sanitary condition, the shared or public areas of the structure and the exterior property.	
X	305.2 STRUCTURAL MEMBERS. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.	
X	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.	
	305.4 STAIRS AND WALKING SURFACES. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.	
	305.5 HANDRAILS AND GUARDS. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	
X	305.6 INTERIOR DOORS. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.	
	<i>Section 307 Handrails and Guardrails</i>	
	307.1 GENERAL. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor or the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck or ramp or other walking surfaces. Exception: Guards shall not be required where exempted by the adopted building code.	
	<i>Section 308 Rubbish and Garbage</i>	
X	308.1 ACCUMULATION OF RUBBISH OR GARBAGE. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.	
	308.2 DISPOSAL OF RUBBISH. Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish in approved containers. 308.2.1 RUBBISH STORAGE FACILITIES. The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. 308.2.2 REFRIGERATORS. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.	
	308.3 DISPOSAL OF GARBAGE. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. 308.3.1 GARBAGE FACILITIES. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container. 308.3.2 CONTAINERS. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.	
	<i>Section 309 Pest Elimination</i>	
X	309.1 INFESTATION. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.	
	309.2 OWNER. The OWNER of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.	
	309.3 SINGLE OCCUPANT. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.	
	309.4 MULTIPLE OCCUPANCY. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for elimination.	

	309.5 OCCUPANT. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.	
	Chapter 4 - Light, Ventilation and Occupancy Limitations	
	Section 402 Light	
X	402.1 HABITABLE SPACES. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window or any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 sq. ft. (2.33m ²). The exterior glazing area shall be based on the total floor area being served.	
	402.2 COMMON HALLS AND STAIRWAYS. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m ²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm).	
	402.3 OTHER SPACES. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.	
	Section 403 Ventilation	
X	403.1 HABITABLE SPACES. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1 Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m ²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.	
	403.2 BATHROOMS AND TOILET ROOMS. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.	
	403.3 COOKING FACILITIES. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit. Exception: Where specifically approved in writing by the code official.	
	403.4 PROCESS VENTILATION. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.	
	403.5 CLOTHES DRYER EXHAUST. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions. Exception: Listed and labeled condensing (ductless) clothes dryers.	
	Section 404 Occupancy Limitations	
	404.1 PRIVACY. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.	
X	404.2 MINIMUM ROOM WIDTHS. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.	

X	<p>404.3 MINIMUM CEILING HEIGHTS. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm). Exceptions: 1) & 2 family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height. 2) Basement rooms in 1 & 2 family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 (2033) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions. 3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than 1/3 of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (524 mm) or more shall be included.</p>																	
	<p>404.4 BEDROOM REQUIREMENTS. Every bedroom shall comply with the requirements of 404.4.1 through 404.4.5</p>																	
	<p>404.4.1 AREA FOR SLEEPING PURPOSES. Every bedroom occupied by one person shall contain at least 70 sq. ft. (6.5 m2) of floor area, and every bedroom occupied by more than one person shall contain at least 50 sq. ft. (4.6m2) of floor area for each occupant thereof.</p>																	
	<p>404.4.2 ACCESS FOR BEDROOMS. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: Units that contain fewer than two bedrooms.</p>																	
	<p>404.4.3 WATER CLOSET ACCESSIBILITY. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet or lavatory located in the same story as the bedroom or an adjacent story.</p>																	
	<p>404.4.4 PROHIBITED OCCUPANCY. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.</p>																	
	<p>404.4.5 OTHER REQUIREMENTS. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements for Chapter 6; and the smoke detector and emergency escape requirement for Chapter 7.</p>																	
	<p>404.5 OVERCROWDING. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 405.5.</p>																	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 25%;">1-2 Occupants</th> <th style="width: 25%;">3-5 Occupants</th> <th style="width: 35%;">6 or more Occupants</th> </tr> </thead> <tbody> <tr> <td>Living Room</td> <td>No Requirements</td> <td>120 sq. ft.</td> <td>150 sq. ft.</td> </tr> <tr> <td>Dining Room</td> <td>No Requirements</td> <td>80 sq. ft.</td> <td>100 sq. ft.</td> </tr> <tr> <td>Kitchen</td> <td>50 sq. ft.</td> <td>50 sq. ft.</td> <td>60 sq. ft.</td> </tr> </tbody> </table>		1-2 Occupants	3-5 Occupants	6 or more Occupants	Living Room	No Requirements	120 sq. ft.	150 sq. ft.	Dining Room	No Requirements	80 sq. ft.	100 sq. ft.	Kitchen	50 sq. ft.	50 sq. ft.	60 sq. ft.	
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Living Room	No Requirements	120 sq. ft.	150 sq. ft.															
Dining Room	No Requirements	80 sq. ft.	100 sq. ft.															
Kitchen	50 sq. ft.	50 sq. ft.	60 sq. ft.															
	<p>Bedroom - All shall comply with Section 405.3</p>																	
	<p>404.5.1 SLEEPING AREA. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.</p>																	
	<p>404.5.2 COMBINED SPACES. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as combination living room/dining room.</p>																	
	<p>404.6 EFFICIENCY UNIT. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements. 1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 sq. ft. (20.4 m2). A unit occupied by three occupants shall have a clear floor of not less than 320 sq. ft. (29.7 m2). These required areas shall be exclusive of the areas required by Items 2 and 3. 2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided. 3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower. 4) The maximum number of occupants shall be three.</p>																	
	<p>404.7 FOOD PREPARATION. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.</p>																	
	<p><i>Chapter 5 - Plumbing Facilities and Fixture Requirements</i></p>																	
	<p><i>Section 502 Required Facilities</i></p>																	

	502.1 DWELLING UNITS. Every dwelling shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.	
	502.2 ROOMING HOUSES. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.	
	502.3 HOTELS. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.	
	502.4 EMPLOYEE'S FACILITIES. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.	
	502.4.1 DRINKING FACILITIES. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.	
	503 Toilet Rooms	
	503.1 PRIVACY. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in multiple dwelling.	
	503.2 LOCATION. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.	
	503.3 LOCATION OF EMPLOYEE TOILET FACILITIES. Toilet facilities shall have access from within the employees working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities. Exception: Facilities that are required for employees in storage structure or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.	
	503.4 FLOOR SURFACE. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.	
	504 Plumbing Systems and Fixtures	
X	504.1 GENERAL. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.	
	504.2 FIXTURE CLEARANCES. Plumbing fixtures shall have adequate clearance for usage and cleaning.	
	504.3 PLUMBING SYSTEM HAZARDS. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.	
	505 Water System	
X	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 water system or to an approved 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 International Plumbing Code.	
	505.2 CONTAMINATION. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type-vacuum breaker or an approved permanently attached hose connection vacuum breaker.	
	505.3 SUPPLY. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.	

X	505.4 WATER HEATING FACILITIES. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 100 degrees F (43 degrees C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.	
	506 Sanitary Drainage System	
	506.1 GENERAL. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.	
	506.2 MAINTENANCE. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.	
	Chapter 6 - Mechanical and Electrical Requirements	
	Section 602 Heating Facilities	
	602.1 FACILITIES REQUIRED. Heating facilities shall be provided in structures as required by this section.	
	602.2 RESIDENTIAL OCCUPANCIES. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Exception: In areas where the average monthly temperature is above 30 degrees F (-1 degree C), a minimum temperature of 65 degrees F (18 degrees C) shall be maintained.	
X	602.3 HEAT SUPPLY. 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 during the period from October 1 to May 1 to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms. Exception: 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. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code. 2) In areas where the average monthly temperature is above 30 degrees F (-1 degree C) a minimum temperature of 65 degrees F (18 degree C) shall be maintained.	
	602.4 OCCUPIABLE WORK SPACES. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees F (18 degree 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.	
	602.5 ROOM TEMPERATURE MEASUREMENT. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.	
	Section 603 Mechanical Equipment	
	603.1 MECHANICAL APPLIANCES. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.	
	603.2 REMOVAL OF COMBUSTION PRODUCTS. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.	
	603.3 CLEARANCES. All required clearances to combustible materials shall be maintained.	
	603.4 SAFETY CONTROLS. All safety controls for fuel-burning equipment shall be maintained in effective operation.	
	603.5 COMBUSTION AIR. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.	
	603.6 ENERGY CONSERVATION DEVICES. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.	
	Section 604 Electrical Facilities	

X	604.1 FACILITIES REQUIRED. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.	
X	604.2 SERVICE. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.	
X	604.3 ELECTRICAL SYSTEM HAZARDS. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.	
	<i>Section 605 Electrical Equipment</i>	
X	605.1 INSTALLATION. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.	
X	605.2 RECEPTACLES. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.	
	605.3 LIGHTING FIXTURES. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room, and furnace room shall contain at least one electric lighting fixture.	
	<i>Section 606 Elevators, Escalators and Dumbwaiters</i>	
	606.1 GENERAL. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.	
	606.2 ELEVATORS. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.	
	<i>607 Duct Systems</i>	
	607.1 GENERAL. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.	
	<i>Chapter 7 Fire Safety Requirements</i>	
	<i>Section 702 Means of Egress</i>	
	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 International Fire Code.	
	702.2 AISLES. The required width of aisles in accordance with the International Fire Code shall be unobstructed.	
	702.3 LOCKE DOORS. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.	
	702.4 EMERGENCY ESCAPE OPENINGS. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.	
	<i>Section 703 Fire Resistance Ratings</i>	
	703.1 FIRE-RESISTANCE-RATED ASSEMBLIES. The required fire-resistance rating of fire-resistance rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.	
	703.2 OPENING PROTECTIVES. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.	
	<i>Section 704 Fire Protection Systems</i>	

	704.1 GENERAL. All systems, devices and equipment to detect a fire, actuate an alarm or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.	
X	704.2 SMOKE ALARMS. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations: 1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms. 2) In each room used for sleeping purposes. 3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple station smoke alarms shall be installed in other groups in accordance with the International Fire Code.	
	704.3 POWER SOURCE. In Group R occupancies and in dwellings not regulated as Group R occupancies, single station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.	
	704.4 INTERCONNECTION. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, and R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Exception: 1) Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind. 2) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.	

CITY OF LEXINGTON, NEBRASKA

BY:

Mark Young
CODE OFFICIAL

DATE 10-16-13

Note for 1607 N Madison, Mercedes Perez De Muro, 10-10-2013

A complaint came to the Utilities from the electric department about a bad meter box. They contacted the owner about it. [REDACTED] was contacted by the owner and called us because he felt there was other issues. Bill and I met [REDACTED] at the house. It appears an RV has been added on to. [REDACTED] said he talked to the tenant. The tenant said the heater had to be on for the lights to work in the rear area. Mark