

## HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, November 16, 2021 at 4:00 PM in the Hastings Public Library, 314 North Denver Avenue, Hastings, Nebraska..

### AGENDA:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Motion to adopt the current agenda for the Planning Commission Meeting
5. Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday , November 12, 2021. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of Conference Room B. Also, a current copy of the Nebraska Open Meetings Act is posted on the back wall of Conference Room B, which is accessible to members of the public.
6. Approval of Minutes
  - a. October 19, 2021
7. Special Order of Business
8. Unfinished Business
9. Public Hearings.
  - a. **2021-053.** Public hearing for a change of zoning for Lots 7 (Seven) through 9 (Nine) and Lots 13 (Thirteen) through 18 (Eighteen), Block 1 (One), A.H. Cramer's Addition to the City of Hastings, Adams County, Nebraska AND the vacated alley adjacent to said lots from "R-3, Multiple Family Residential" to "C-3 commercial Business", and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone for Lots 7 (Seven) through 9 (Nine) and Lots 13 (Thirteen) through 18 ( Eighteen), Block 1 (One), A.H. Cramer's Addition to the City of Hastings, Adams County, Nebraska AND the vacated alley adjacent to said lots from "R-3, Multiple Family Residential" to "C-3 commercial Business".
  - b. **2021-064.** Public hearing to consider an ordinance to amend Hastings City Code Chapter 29, Article III, regarding electrical exams, and licensing procedures and requirements.

Motion to recommend approval for an ordinance to amend the Hastings City Code Chapter 29, Article III, regarding electrical exams, and licensing procedures and requirements.
10. Subdivisions
11. Reports

**Planning Commission Agenda**  
**November 16, 2021**  
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Adjourn

CITY OF HASTINGS, NEBRASKA  
MINUTES OF PLANNING COMMISSION  
Tuesday, October 19, 2021

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library, 314 North Denver Avenue, Hastings, Nebraska, on October 19, 2021.

The meeting was called to order at 4:00p.m. in Regular Session by Chairman Gaines with the following members present: Ann Hinton, LaDaun Schoenhals, Rakesh Srivastava, Marshal Gaines, Greg Sinner, Willis Hunt, Michelle Lewis, Jacque Cranson. Absent: Lou Kully

The Chair led the Commission in recital of the Pledge of Allegiance to the United States of American.

Moved by Hunt, seconded by Sinner to adopt the current agenda for the Planning Commission Meeting. Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Rakesh Srivastava, Marshal Gaines, Greg Sinner, Willis Hunt, Michelle Lewis, Jacque Cranson, Nays: None. Absent: Lou Kully

Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, October 15th, 2021. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Conference Room B. Also, a current copy of the Nebraska Open Meetings Act is posted on the back wall of the Conference Room B which is accessible to members of the public.

Moved by Sinner, seconded by Hinton to approve the minutes of the September 21<sup>st</sup>, 2021 Planning Commission Meeting. Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Rakesh Srivastava, Marshal Gaines, Greg Sinner, Willis Hunt, Michelle Lewis, Jacque Cranson, Nays: None. Absent: Lou Kully.

**Public Hearings**

**a. 2021-07.** Public hearing to formalize and amend the area included in the Planned District Development Plan for Cimarron Meadows Subdivision, including undeveloped property generally located west and southwest of Walmart, south of 42nd Street West and northeast of Fisherman Lane in Adams County, Nebraska.

Lisa Parnell-Rowe discussed this item.

The northeastern portion of Cimarron Meadows Subdivision has a planned district overlay. This subdivision carries a base district zoning of C-3. Together this is a zoning district we refer to as CP-3. The base district of C-3 is characterized as inclusive of those areas which are heavily exposed to automobile traffic and which have been developed with general commercial uses. This area was rezoned to CP-3 in Ordinance 4587 on April 22nd 2019. At this same time a Development Plan was proposed for this area to allow for deviations to setbacks. This amendment is being done to 1) formalize that Development Plan that was only proposed as part of a Staff report but had not been documented into a formal Resolution. 2) Remove areas that

had been previously zoned as CP-3 by mistake. These areas were rezoned back to the appropriate zoning of R-1 in Ordinance No. 4666 on June 14, 2021, and in Ordinance No. 4679 on September 27th, 2021.

The Development Plan as documented by my predecessor in his staff report dated March 18, 2019, will remain the same as staff finds this necessary for the type of housing that has been proposed to the east side of Fisherman Lane and north of Outrigger Avenue on platted lots 1-5 in Cimarron Meadows 11th Addition. Though the existing housing on lots 1-5 has met setbacks, as Mr. Engel moves north and final plats the Cimarron Meadows 12th Addition Staff knows from reviewing previous draft building plans and the DRAFT Cimarron Meadows 12th Addition plat, that this same housing will likely continue to follow Fisherman Lane frontage in the remaining lots (proposed in this draft as lots 1-7) until it reached Badger Lane. The northern-most side yard setback will become as little as a zero in some places. Similar housing will also wrap around and fill into the north of this area which fronts off of 38th Street in lots that will also require as little as a zero-side yard setback requirement. As the development moves south down Outrigger Lane with more lots, this zero-side yard requirement gradually occurs again on the northern side. These lots in many cases also do not meet the minimum lot width. A copy of this building plan, though in draft form and not necessarily the final footprint, shows this requirement. Additionally, the area west of Wal-Mart also zoned for CP-3 in the future will eventually be final-platted and also carry this same smaller lot size shape that will require flexibility in lot width. There are also floodplain areas within this area that will make building more challenging.

My predecessor explained this Development Plan and the deviations in his staff report as follows:

There is a need for more flexible development standards for the immediate residential product in order to address variable side yard setbacks and smaller lot sizes. There is also a need to maintain flexibility in the northern blocks adjacent to 42nd Street for potential development to include a combination of neighborhood commercial and compact residential, or traditional mixed-use.

Specific reasons for the zone change were based on the following factors:

The requirements for *R-1, Urban Single family residential* are a minimum lot area of 7,000 sf, side yard setbacks of 7' or 10%, and a minimum lot width of 70'.

As depicted on the Cimarron Meadows 11th Addition plat filing, the subject property exhibits an average lot area of 7,271 sf, side setbacks at 0' and 16' respectively, and an average lot width of 51ft where most lots are less than 50ft. Considering these criteria, the R-1 base designation is inadequate.

In the *C-3, Commercial Business Planned* district, residential uses require a minimum lot area of 6,000 sf. Side yard setbacks are the primary concession from the base district standards. In this development plan, Staff recommends the following side yard setback standards:

For residential one- and two- unit structures, side yards may vary between 0 and 16 feet on each/side, but need not exceed 25 feet combined;

For commercial structures, the side yard setback standard shall be 0 feet; however, if the building is set back from the property line it shall be a minimum of 5 feet, and if abutting a strictly residential use, the side setback shall be a minimum of 10 feet. For the purposes of side yard setbacks, mixed-use buildings should be considered commercial.

Future land use designation in Imagine Hastings is Mixed Use-Neighborhood, which supports the proposed development and the zoning in this area as CP-3. Surrounding zoning is A, Agricultural to the north, R-1 Single Family Residential to the south and west, and C-3 Commercial Business to the east.

Overall, the proposed development density and use would provide a desired transitional development pattern from the single-family uses to the west to the commercial uses to the east.

In discussing this matter further with the applicant, there appears to have been a misinterpretation on the part of my predecessor of how much of this area should have been included in that rezone and development plan. This Development Plan is intended to correct for those errors and to formalize the development plan in an official Resolution. The Development Plan that my predecessor prepared makes sense and also provides for leniency in the floodplain that circulates throughout this area.

The areas that we have rezoned back to *R-1, Urban Single Family Residential*, were the first step to correcting the mistakes of the past. Now that the zoning has been corrected, we need to ensure the Development Plan that is used in this area is reflective of the actual area it entails and we also need to make it formal by resolution. Mr. Engels surveyor, Mr. Tom Krueger, has provided the following revised legal to show the now accurate portion of Cimarron Meadows Subdivision that would fall into the CP-3 planned district zoning and amended Development Plan. That legal follows:

The Northeast quarter of Section 36, Township 8 North, Range 10 West of the 6th P.M., in the City of Hastings, Adams County, Nebraska, being described as follows:

Commencing at the Northwest corner of said Northeast quarter of Section 36; thence S00°10'17"E (assumed bearing) on the West line of said Northeast quarter, a distance of 80.00 feet to the South line of 42nd Street, this being the point of beginning; thence continuing S00°10'17"E on said West line a distance of 550.41 feet to the Northwest corner of Lot Four (4) Cimarron Meadows 10th Addition to the City of Hastings; thence N89°12'04"E on the North line of said Lot Four (4), a distance of 150.00 feet to the Northeast corner of said Lot Four (4), thence S30°33'24"E a distance of 43.83 feet to the north line of Lakepark Lane; thence N59°26'36"E on the North line of Lakepark Lane, a distance of 200.78 feet; thence S30°33'24"E, a distance of 60.00 feet to the Northwest corner of Lot Five (5), of said Cimarron Meadows 10th Addition; thence N59°26'36"E a distance of 106.86 feet to the beginning of a curve concave to the Southwest having a radius of 70.00 feet and a central angle of 79°03'26"; thence Southeasterly on said curve, the chord of which bears S81°01'41"E, an arc distance of 96.58 feet; thence S41°29'57"E, a distance of 453.19 feet; thence S47°56'31"E, a distance of 206.29 feet; thence S38°18'19"W, a distance of 261.00 feet to the beginning of a curve concave to the Southwest having a radius of 570.00 feet and a central angle of 51°34'20"; thence Southeasterly on said curve, the chord of which bears S25°54'31"E, an arc distance of 513.06 feet; thence S00°01'18"E, a distance of 346.70 feet to the north line of North Shore West Subdivision; thence N89°12'05"E, on said north line, a distance of 497.76 feet to the west line of Cimarron Plaza Addition; thence N00°40'43"W, on said west line, a distance of 854.59 feet to the South line of 38th Street; thence S89°12'04"W, on said south line, a distance of 171.94 feet to the west line of Cimarron Meadows Second Addition extended south; thence N00°40'45"W, on said west line, a distance of 1128.09 feet to the south line of 42nd Street; thence S89°19'16"W, on said south line, a distance of 1367.26 feet to the point of beginning.

Moved by Schoenhals, seconded by Srivastava to recommend approval to the Mayor and City Council for approval of a resolution for an amended Planned District Development Plan for Engel Construction Company, including undeveloped property generally located west and southwest of Walmart, south of 42nd Street West and northeast of Fisherman Lane in Adams County, Nebraska. Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Rakesh Srivastava, Marshal Gaines, Greg Sinner, Willis Hunt, Michelle Lewis, Jacque Cranson, Nays: None. Absent: Lou Kully.

- b. **2021-062.** Public hearing to consider an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing future zoning for property generally located in the southern portion of the block between Lincoln Avenue South, Hastings Avenue South and I Street from Urban Residential to Commercial/Retail.

Lisa Parnell-Rowe discussed this item.

Staff first reviewed this matter when initially approached about a potential nursery use with a workshop/garage to be used for storage and maintenance for this business. A change in use for a portion of this area would require a rezone as *R-3, Multiple Family Residential* does not permit the use of a nursery. Staff had initially considered a residential rezone to *R-1* and *R-1A* from its current zoning, which would then require a Conditional Use Permit. However, when this was taken to our Engineering Review group, it was discovered that this area has had a long history of not developing due to the fact that the southern-most section of the sewer main off of Hastings Avenue South would still need to be extended in order for the lots on the east side of this block to be fully developed. The costs for developers looking to build residential homes in this area have always exceeded the benefits as it has been too pricey.

In reviewing the surrounding area, aside from the north-eastern area where there is multiple family zoning, the vast majority of this area is currently zoned *C-3, Commercial Business*. West, northwest and southwest are all zoned *C-3, Commercial Business*. To the south and southwest we have our City Lincoln Park (zoned *R-1, Single Family Residential* by default) and then to the southwest we have more *C-3* where one of our City Fire Stations is located. Comparing this then to what we have slated in the future in our Comprehensive plans Future Land Use (FLU) map, and taking into consideration that we also have not been able to make anything happen on this land in a residential nature due to the utility's requirements, it would seem that this particular area would be better served designated in our future for Commercial/Retail. This would simply extend that use a bit further east from the Commercial Corridor lining Burlington Avenue and make this area more attractive to a commercial developer. A commercial developer looking to invest in a larger structure that would be used for business profit may see the benefit of eventually adding the required infrastructure into this area. Meanwhile, the potential buyer would have an opportunity to place a low impact nursery as a permitted use in this area, which Staff feels would be a nice use of this area since it would only require water which is fully extended, unlike the sewer.

In summary, this area is currently identified in the FLU for urban residential use and has remained undeveloped to date. It is clear that this land will remain undeveloped if it remains residentially designated. In changing the FLU we are allowing for a use that fits into the character of this area. The proximity of Lincoln Park to this area makes this a good spot for a nursery that would extend that look and feel of open space while still bringing greater economic opportunities to the community. Therefore, changing this area to more appropriately map to

what it is showing to develop in the surrounding areas establishes a more accurate map for not only the immediate development opportunities but also for any future commercial development opportunities.

Moved by Lewis, seconded by Schoenhals, to recommend approval to the Mayor and City Council for approval for an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing future zoning for property generally located in the southern portion of the block between Lincoln Avenue South, Hastings Avenue South and I Street from Urban Residential to Commercial/Retail. Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Rakesh Srivastava, Marshal Gaines, Greg Sinner, Willis Hunt, Michelle Lewis, Jacque Cranson, Nays: None. Absent: Lou Kully.

- c. **2021-033.** Public hearing to consider an ordinance to amend City Code sections 34103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

Lisa Parnell-Rowe discussed this item.

The proposed Code amendment is to add a much needed temporary use permit (TUP) that would allow Staff to address a gardens variety of temporary uses though a zoning development permit that would be administratively approved following an internal review of a submitted site plan and narrative for each use by key City departments including but not limited to Engineering, Utilities, Planning and Zoning, Fire, Building, Police. There are 3 types of temporary use permits that can be applied for within this permit structure: Recreational vehicles in mobile home parks or recreational campgrounds for extended temporary stays; Mobile vendors; or temporary structures.

There are 3 sections of the City Zoning Code found in Chapter 34 that will be amended as a result of the addition of this new permit and also administrative cleanup. The first section is Section 34-200 and Table 200-1, Uses and Districts. The Table is the starting point of all zoning requests and the table where we can best determine whether a use will be permitted, restricted or conditional in a particular Zoning District. Permitted, meaning allowed subject to general district standards, Restricted meaning allowed subject to specific use standards and Conditional, meaning allowed subject to discretionary review (Planning Commission and/or City Council). A few items that are added as part of administrative cleanup are Recreational Vehicle Park and Restaurant. For these 2 uses there are sections in both chapters 34 and 38 that address the requirements for such a business, but there was no detail in this table about where these could be located. Due to the additional uses of Mobile vendors and recreational vehicles being added it was felt that the corresponding sites that were not temporary should also be added. We have had restaurants on our list to add to this table for a long time coming now. The three new temporary uses of Mobile vendor, recreational vehicle and temporary structure were add to this table as well. As you review the zoning requirement that has been listed in this table for each use, it is important to note that no matter what the zoning requirement is (i.e., permitted, restricted or conditional), as stated in Chapter 34-403 (6), every use should comply with the general requirements of Chapter 34 and Article IV, Standards for

Conditional Uses. The second section updated is Section 34-103, General Definitions. The definition of a term can provide better depth of understanding between uses where the line gets blurry. The definition can also tell us more about some of the unique requirements that are driven by the specifics of that use. This section helps us pull back into the meaning of a subject matter if we get lost in translation. In this section we have added various definitions of each of the relevant terms used with these additional TUPs and others as administrative cleanup. The Recreational Vehicle Park had specific criteria established in Section 34-404 (12) but was not in the Table of Uses nor was it defined. A restaurant has also been defined to ensure that the differences between a standalone restaurant in a structure and one accomplished as a mobile vendor are differentiated. The last Section to be updated is Section 34-404, Standards for Conditional Uses. In this section we added the temporary use permit as an additional use that needs to be reviewed to requirements. Here we have discussed the purpose, procedure, application requirements, internal review process, terms, and then the 3 different types of a temporary use for which a permit is required and the specific requirements for each one.

A process and way to handle temporary uses has been an area ignored in the Zoning Code that has been seen to create confusion among the public/staff and discontentment among developers, home owners and the business community for some time. When Staff does not have a code to address a specific subject matter then we do our best to create a path that will work for all, but creating a path on a whim without a regulation creates liability and inconsistencies in the way it is procedurally done and this can make us appear to be exercising based on other means like favoritism or in an inequitable fashion. One of the cases I first tackled when I got here had to do with the Hastings Campground and the condition that was established for length of stay is a good example of the problems an omission can cause. The issue in addressing the violations to that CUP regarding length of stay was that nowhere in the code did we establish a length of stay guideline for campers. Adding to this frustration was the fact that we as a community are desirous of development and growth, and yet to grow you need a place for developers that might be coming in from other areas for large projects to reside on a temporary basis. There was a need and this campground was fulfilling that need, yet it was being done without compliance to safety requirements since the need for a longer-term stay was drastically different than one for only a few weeks. We saw this in the way propane tanks and skirting were handled. Ultimately, this is the rationale for adding a path forward for allowing not only the local campgrounds, but some of our Mobile Home Courts that might have vacancies the ability to temporarily place these developers yet for the City to ensure that this is done in a way that considers the health, welfare and safety of the community at large. The same is true for food trucks. Much confusion has been seen to circulate around where these mobile vendors can and should be located that will ensure the health, welfare and safety of the community at large is considered. Interestingly, many of these mobile vendors stop in to see us to see what permit they must pull to do business in a mobile fashion, yet we tell them to pay a fee and turn them away with no guidance on where they are allowed and what requirements they are required to meet. The last type is a special type of permit for an ever-changing world. These days with COVID in the rearview mirror we know that the planning world has changed forever in that some things, no matter how much you plan, cannot be planned for in the face of an unexpected event. We experienced this when Mary Lanning came to us amidst a socially distancing world to ask what they could do to place a temporary structure in their parking lot for their employees to work out of as the swarms of people filed through in need of drive-through testing. We had no quick fix permit. We had a building permit, applicable to a long-term structure build. We allowed them to start at risk and required a building permit and now a

structure still sits in that parking lot and we have no requirement in the code ensuring it will ever be removed, though its original intent was temporary. For all of these reasons we bring this revised code change to you and ask for your review and serious consideration of not just another code amendment, but a better path forward for staff, applicants and the community at large.

This was originally reviewed by Planning Commission at your July 20th Meeting and was recommended for approval in a vote of 6-0. However, just prior to being heard at the City Council Meeting on August 9, 2021, several mobile vendors contacted Mr. Randy Chick with questions and concerns. Consequently, the item was postponed to a later date for Staff to meet with these vendors to discuss this proposed code change. A meeting occurred on September 14, 2021. Better definition of restaurants; removal of the additional sign permit and fee; and added detail for better determination of when a mobile vendor was required to pull the permit was added. Basically, instead of just adding the definition of staying in one place for up to 180 days we determined that this should only be for those that exceed staying in one place for more than 14 days, and then up to 180 days. The 14 days is the requirement of the Temporary Food Establishment license they carry for which they are required to move from one site.

Additionally, we have done a repeated header in the table of uses to prevent us from having to scroll up to the previous pages and counting rows to see what zoning district is in the header. We have also added reference to temporary accessory structures and how those will be handled in the residential areas to better map to Section 34-311. Then lastly, we have fine-tuned the mobile vendors section to address how permanent and temporary structures will be handled as accessory to food trucks and also added some setback requirements that are necessary according to International Fire Code and Building code requirements for areas where more than one vendor may be located. All of the revisions made since you last reviewed this proposed code have been highlighted in yellow and all the previous changes remain in red font for your evaluation.

Moved by Hunt, seconded by Sinner to recommend approval to the Mayor and City Council for approval for an ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development. Roll Call: Ayes: Ann Hinton, LaDaun Schoenhals, Rakesh Srivastava, Marshal Gaines, Greg Sinner, Willis Hunt, Michelle Lewis, Jacque Cranson, Nays: None. Absent: Lou Kully.

## **Reports**

Lisa reported the Request for Proposal (RFP) is out for bid

Moved by Hunt, seconded by Schoenhals, to adjourn the meeting.

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Chairman

Department: Development Services  
Staff Contact: Lisa Parnell-Rowe  
Planning Commission Meeting Date: 11/16/2021  
File No: 2021-053  
Prepared By: Emilia Kienbaum, Administrative Assistant

## **AGENDA ITEM SUMMARY SHEET**

### **Description of Item:**

Public hearing for a change of zoning for Lots 7 (Seven) through 9 (Nine) and Lots 13 (Thirteen) through 18 (Eighteen), Block 1 (One), A.H. Cramer's Addition to the City of Hastings, Adams County, Nebraska AND the vacated alley adjacent to said lots from "R-3, Multiple Family Residential" to "C-3, Commercial Business", and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone for Lots 7 (Seven) through 9 (Nine) and Lots 13 (Thirteen) through 18 (Eighteen), Block 1 (One), A.H. Cramer's Addition to the City of Hastings, Adams County, Nebraska AND the vacated alley adjacent to said lots from "R-3, Multiple Family Residential" to "C-3, commercial Business".

### **Names of People/Business affected by this action:**

Property owners, neighbors, and citizens of the City of Hastings.

### **Why Planning Commission action is required:**

Neb. Rev. Stat. 19-902 provides the city council shall receive the advice of the planning commission before taking definite action on any contemplated amendment, supplement, change, modification, or repeal, and no such regulation, restriction, or boundary shall become effective until after separate public hearings are held by both the planning commission and the city council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by publication thereof in a legal newspaper in or of general circulation in such municipality at least one time ten days prior to such hearing.

### **Type of action requested:**

Motion

### **Suggested motion:**

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone for Lots 7 (Seven) through 9 (Nine) and Lots 13 (Thirteen) through 18 (Eighteen), Block 1 (One), A.H. Cramer's Addition to the City of Hastings, Adams County, Nebraska AND the vacated alley adjacent to said lots from "R-3, Multiple Family Residential" to "C-3, Commercial Business".

**Deadlines associated with action:**

City Council will review this recommended motion at the Regular City Council Meeting to be held on December 13, 2021. If the Rezone is approved, then the applicant will pursue a Final Plat approval to re-configure the 6 existing lots into 2 lots and to also establish appropriate utility easements.

**Department head comments:**

Surrounding zoning is as follows:

North – R-3, Multiple Family Residential

South – R-1, Urban Single Family Residential (default for Public)

East – R-3, Multiple Family Residential & C-3, Commercial Business

West – C-3, Commercial Business

Our applicant is the owner of this property, Mr. Lawrence Esch Jr. He has an offer from a prospective buyer for a portion of this lot to be used for a nursery/orchard.

Current uses only show signs of multiple family development in the north-eastern portion of this area. Much of this surrounding area is currently zoned C-3, Commercial Business and/or is slated for public use as R-1, Single Family Residential by default. To the south, we have a City park (Lincoln Park is zoned R-1, Single Family Residential by default, with no public zoning). Then further southeast, we have more C-3 where one of our City Fire Stations is located.

Staff views this area as an extension of the commercial corridor zoning that follows Burlington Avenue and when you add the history of this area remaining stagnant as a residential land use due to the costly utilities requirements it makes sense that this area might be better slated for commercial use. Commercial developers are not as reluctant to spend more money upfront on infrastructure due to the business profit factor that is involved in a commercial development. Additionally, the proposal at hand, for a nursery, would not require this sewer extension. Water and electricity are available to the entire area and sewer is available for tapping into the west side of this block where the prospective buyer will place a structure for retail sale and maintenance of the nursery/orchard. The proximity of this use to Lincoln Park makes this a good spot for a nursery/orchard that would extend that look and feel of open space to the north, while still bringing greater economic opportunities to the community.

The Comprehensive Plan and Future Land Use (FLU) map did show this area as slated for Urban Residential use. Staff initiated a FLU change because it is felt that this area would be better served in the long-term future as a commercial/retail use. This was due to the southern-most section of Hastings Avenue South having an unfinished sewer main. Without this being extended, there would be no sewer service lots on the east side of this block. Though developers have looked into this in the past, they have ultimately not developed here because the costs for developers looking to build residential homes in this area have always exceeded the benefits. The Planning Commission reviewed this FLU change at our last meeting held on October 19th and recommended approval to City Council by a vote of 8-0. The City Council reviewed that matter at their regular meeting held on November 8th and voted 8 to 0 to approve the FLU change. This rezone follows suit to that

FLU Change and will make the reality of a nursery/orchard a permitted use once the area is replatted accordingly.

**Recommendation:**

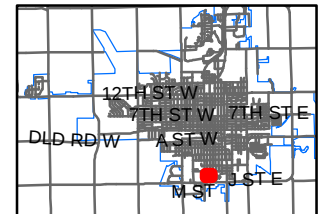
Staff recommends a motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone for Lots 7 (Seven) through 9 (Nine) and Lots 13 (Thirteen) through 18 (Eighteen), Block 1 (One), A.H. Cramer's Addition to the City of Hastings, Adams County, Nebraska AND the vacated alley adjacent to said lots from "R-3, Multiple Family Residential" to "C-3, Commercial Business".



| Legend |                          |  |                                         |
|--------|--------------------------|--|-----------------------------------------|
|        | Proposed Rezone Change   |  | R-3: Multiple-family                    |
|        | Subdivision              |  | R-1A: Single family large lot           |
|        | Legal Lots               |  | R-1S: Single family suburban            |
|        | A: Agricultural district |  | R-5: Urban single family undersized lot |
|        | R-1: Urban single family |  | CMP: Campus institutional               |
|        | R-2: Two-family          |  | CZ: Clear zone                          |
|        | R-3G: Garden apartment   |  | C-1: Local business                     |
|        |                          |  | C-2: Central business                   |
|        |                          |  | C-3: Commercial business                |
|        |                          |  | C-0: Commercial office                  |
|        |                          |  | I-1: Light industrial                   |
|        |                          |  | I-2: Heavy industrial                   |
|        |                          |  | MU: Mixed Use District                  |

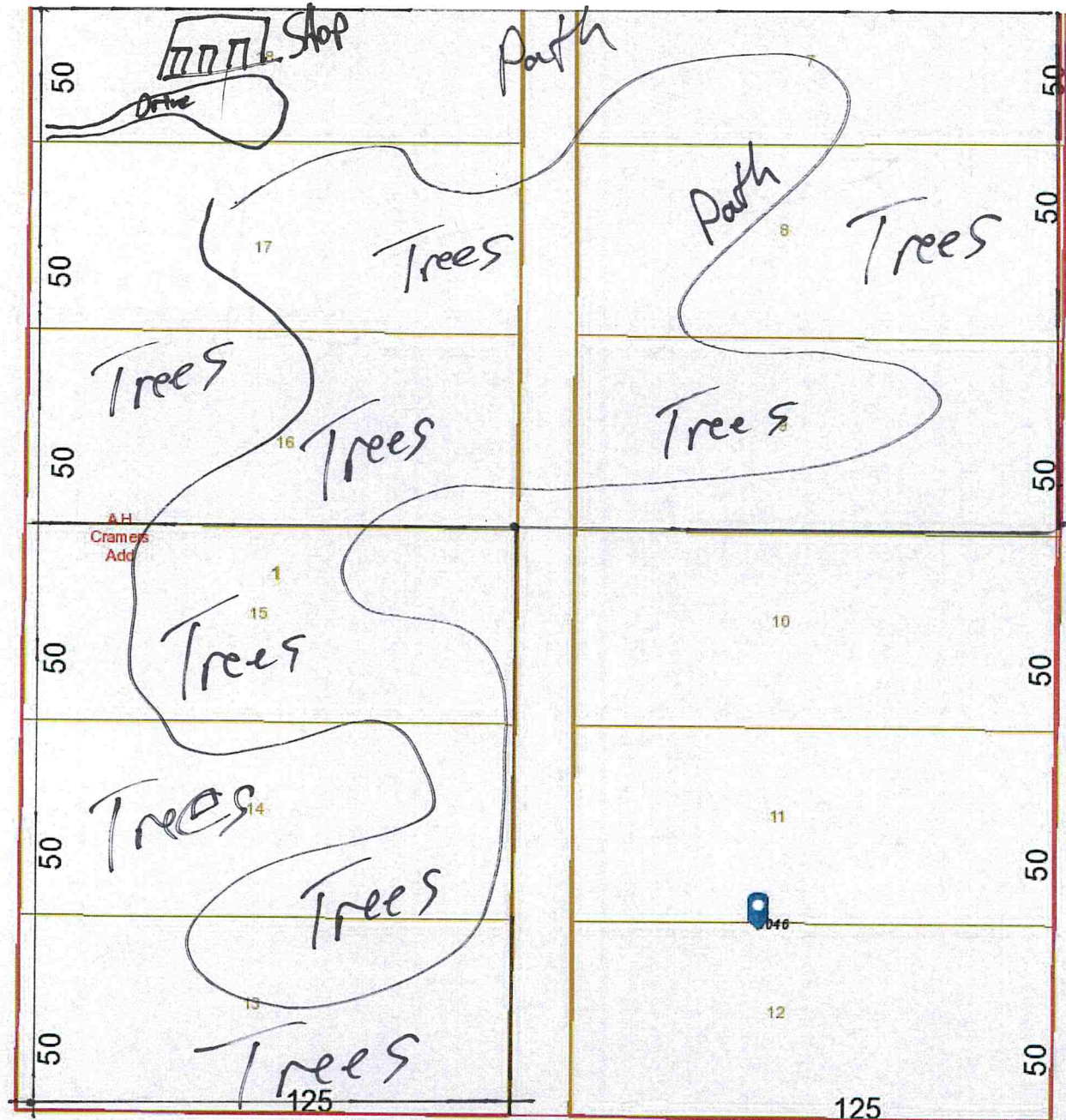
## Zoning Change R-3 to C-3

Lots 7 (Seven) through 9 (Nine) AND Lots 13 (Thirteen) through 18 (Eighteen), All in Block 1 (One), A.H. Cramer's Addition AND the Entire 14' vacated Alley adjacent to said lots



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Hastings Cottages Sub

## Lisa Parnell-Rowe

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**From:** Jenny Green <[beanieandtheweenies@gmail.com](mailto:beanieandtheweenies@gmail.com)>  
**Sent:** Wednesday, October 6, 2021 12:30 PM  
**To:** Lisa Parnell-Rowe  
**Subject:** Re: 1046 South Hastings narrative

Updated request:.

Rezone Lots 7-9 & Lots 13-18 and the vacated alley adjacent to said lots from R-3 Residential to C-3, General Business

Please let me know if you have any questions.

Thanks,

Lawrence Esch Jr

1046 S. Hastings

Hastings, NE 68901

On Mon, Sep 20, 2021 at 2:32 PM Lisa Parnell-Rowe <[LParnell-Rowe@cityofhastings.org](mailto:LParnell-Rowe@cityofhastings.org)> wrote:

Received, thank you!

### Lisa R. Parnell-Rowe

Director of Development Services

220 North Hastings Avenue

Hastings, NE 68901

(402) 461-2368 Office

(402) 462-2304 Fax

[LParnell-Rowe@cityofhastings.org](mailto:LParnell-Rowe@cityofhastings.org)

### Gallup CliftonStrengths

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**From:** Jenny Green <[beanieandtheweenies@gmail.com](mailto:beanieandtheweenies@gmail.com)>

**Sent:** Monday, September 20, 2021 11:58 AM

**To:** Lisa Parnell-Rowe <[LParnell-Rowe@cityofhastings.org](mailto:LParnell-Rowe@cityofhastings.org)>

**Subject:** 1046 South Hastings narrative

I would like to request the following changes to some of the lots at 1046 South Hastings, Hastings, NE:

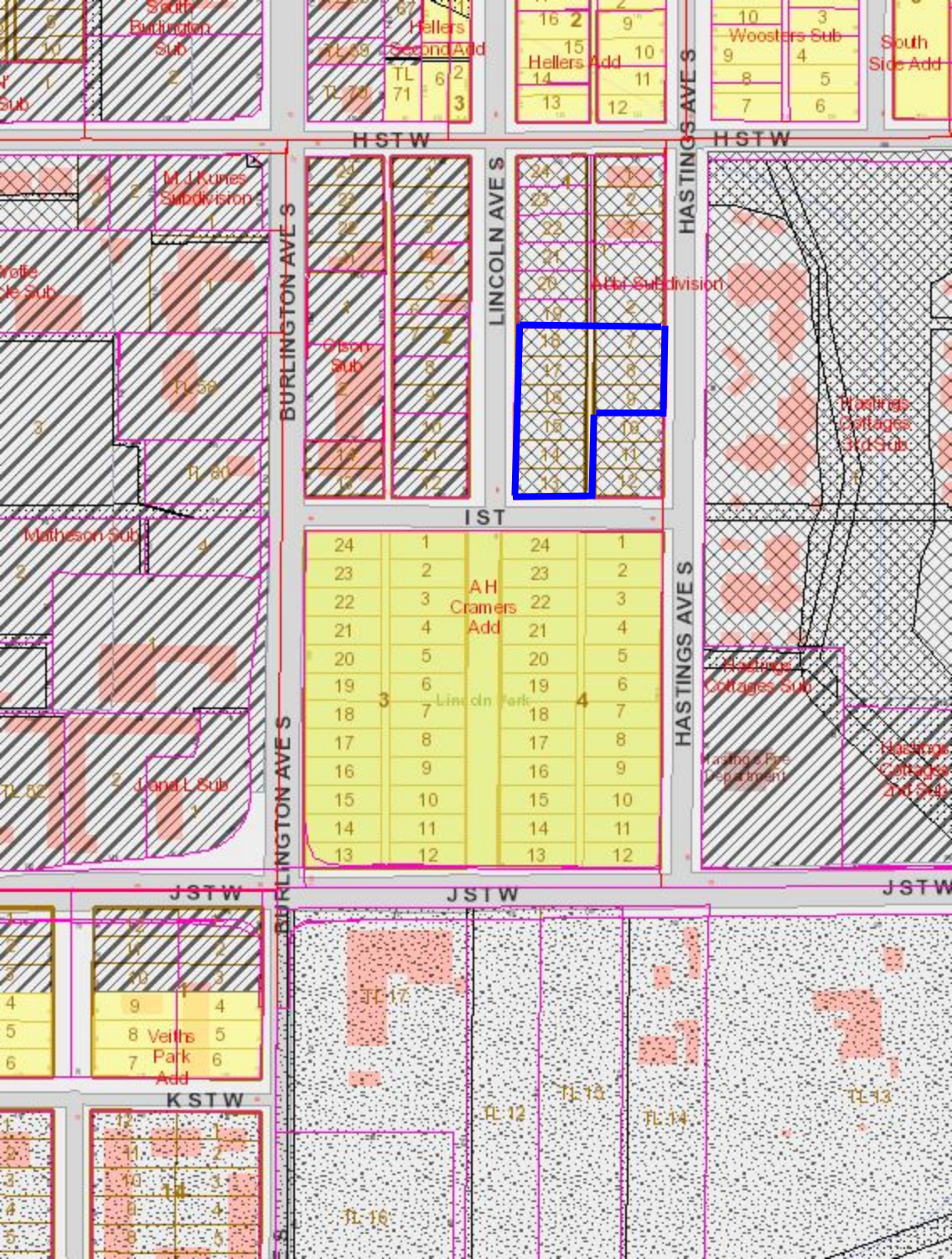
Rezone lots 7-10 & 15-15 from R-3 residential to C-3 commercial.

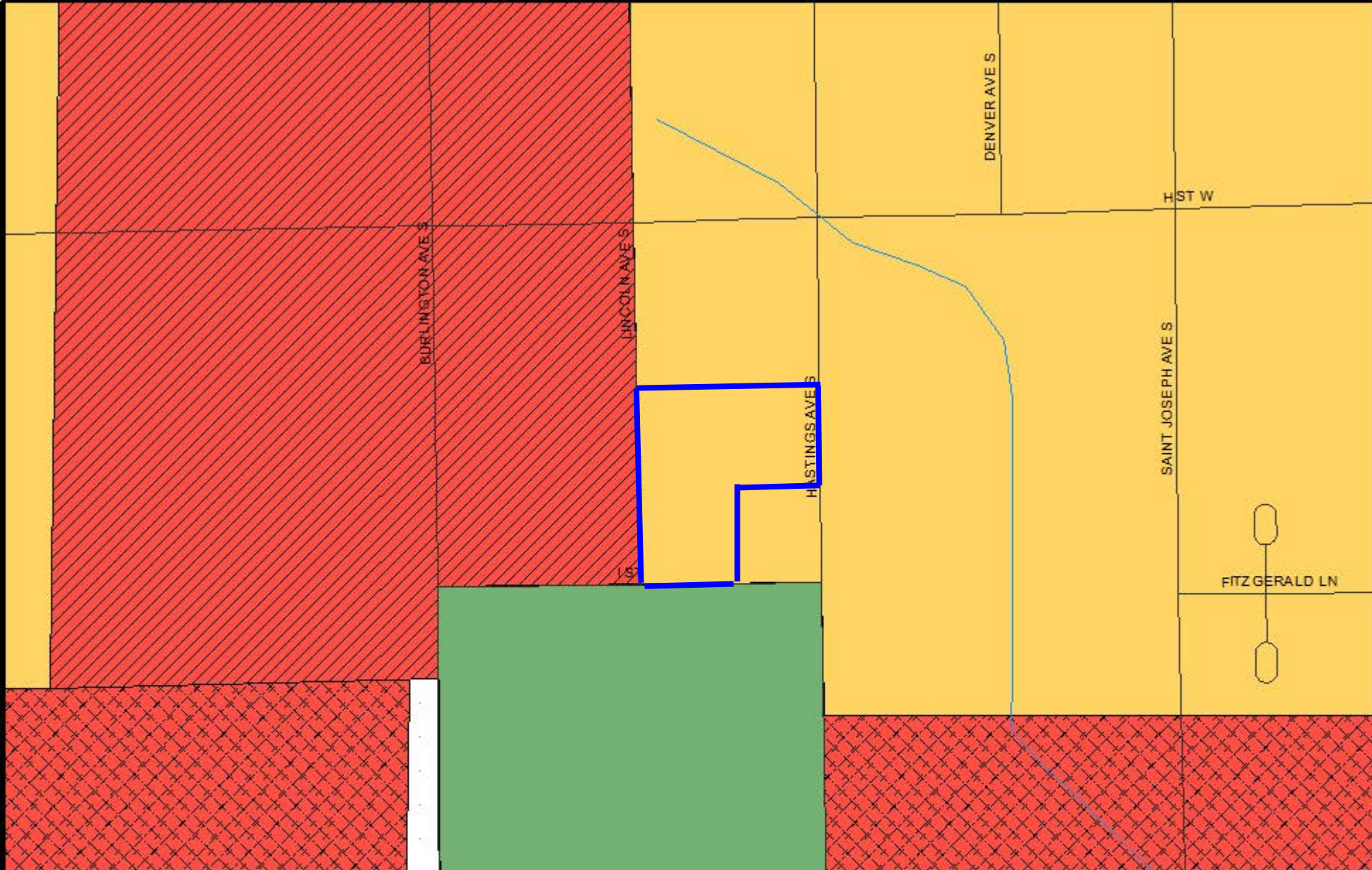
I plan to sell these lots to an individual who plans to use this for his landscape/orchard business.

Should you have any questions please feel free to contact me via this email.

Thank you for your consideration.

Lawrence J. Esch Jr.





## Future Land Use

City of Hastings, Nebraska

0 100 200 400 Feet

### Land Use:

- Rural Residential
- Suburban Residential
- Urban Residential

- Mixed-Use - Neighborhood
- Mixed-Use - Community
- Mixed-Use Downtown
- Commercial/Retail
- Employment/Industrial

- Public / Semi-Public
- Parks & Recreation
- Agriculture

### Overlay Districts:

- South Burlington Overlay
- Highway 6 Overlay
- Urban Industrial Overlay

- Floodplain
- City Boundary
- ETJ Boundary

Department: Development Services  
Staff Contact: Lisa Parnell-Rowe, Bill Mooney  
Planning Commission Meeting Date: 11/16/2021  
File No: 2021-064  
Prepared By: Emilia Kienbaum, Administrative Assistant

## **AGENDA ITEM SUMMARY SHEET**

### **Description of Item:**

Public hearing to consider an ordinance to amend Hastings City Code Chapter 29, Article III, regarding electrical exams, and licensing procedures and requirements.

Motion to recommend approval for an ordinance to amend the Hastings City Code Chapter 29, Article III, regarding electrical exams, and licensing procedures and requirements.

### **Names of People/Business affected by this action:**

The residents of Hastings, Electrical Contractors, Electrical License Holders within the City and the City of Hastings.

### **Why Planning Commission action is required:**

Amendments to the zoning map, the text of Chapter 34 Zoning, or any part of the Comprehensive Plan may be made after a public hearing by the Planning Commission. Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council (34-801).

### **Type of action requested:**

Motion

### **Suggested motion:**

Motion to recommend approval for an ordinance to amend the Hastings City Code Chapter 29, Article III, regarding electrical exams, and licensing procedures and requirements.

### **Deadlines associated with action:**

Once this code change passes, Development Services will notify all Electricians and related contractors of these changes.

### **Department head comments:**

This change is primarily to allow the City of Hastings to discontinue holding electrical exams and/or providing electrical licenses based on in-house provided exams. The State of Nebraska governs licensing within the State, and are now using testing centers for electronic testing, as well as individual online testing that can be done at anytime from anywhere. The City of Hastings exam

has, in the past, been a convenient option for local electricians and has also been used as an overflow of sorts when the State exams were full. Those reasons for justifying this practice are no longer necessary due to the State now providing an online option, as well as testing centers.

In the past few years, the City of Hastings applications for testing have dwindled, and it is felt that much of the reason for that is the State's new testing arrangement. In years past, we have had around 12 to 14 persons taking the test each annual test cycle. In April 2021 there were only 4 individuals, in October of 2020 there were only 3 individuals. We did not test in April of 2020 due to COVID-19. Currently we have 63 Electrical contractors who have paid their Occupation Tax with the City of Hastings, which would make the number of test applicants, even for our local contractors, seem very low.

Development Services already has to have the electrical exams approved by the State of Nebraska each test cycle, as they are used to then reciprocate with the State. As part of that reciprocity we are required to change at least 5 questions on each test in each cycle in order to conform to the State's rules on testing.

The City of Hastings license has been able to reciprocate with the State of Nebraska in order to obtain a State license. However, once the holder has reciprocated with the State to get a license, they cannot use the State license to reciprocate with another State. This has been seen as a dis-service to some electricians, as they would need to test on the State level exclusively in order to reciprocate with another State.

With the Development Services department's impending temporary move due to the existing City Hall conditions, it is uncertain as to whether or not there will be a room available for testing as there has been in the past. It is quite possible that if we did continue to hold in-house testing that this would need to be held off-site at another location, such as the Library.

Additionally, our Electrical Inspector was recently made aware that the State of Nebraska has requirements for continuing education for all State license holders.

This was a takeaway item at the annual International Association of Electrical Inspectors Meeting held in Kearney from October 27-29th 2021. This requirement was added to the State guidance in 1993, which means that we have been in direct violation of the State of Nebraska Electrical Act for nearly 20 years as the City of Hastings has never required continuing education. To add a continuing education requirement would mean additional staff time to administer and track this added requirement. Eliminating our local testing and licensing and providing a registration card upon proof of being licensed in the State would ensure that any electricians working in the City are *current* with this required continuing education.

The section from that act follows:

***81-2117.01. License or registration renewal; continuing education required; instructor and course approval; certificate of attendance.***

*In order to renew a license or registration issued under the State Electrical Act, the licensee or registrant shall be required to complete twelve contact hours of continuing education by January 1*

*of each odd-numbered year. The continuing education courses shall be approved by the board and may consist of training programs, courses, and seminars by the State Electrical Division or public or private schools, organizations, or associations. The contact hours shall include a minimum of six contact hours studying the National Electrical Code described in section 81-2104, and the remaining contact hours may include study of electrical circuit theory, blueprint reading, transformer and motor theory, electrical circuits and devices, control systems, programmable controllers, and microcomputers or any other study of electrical-related material that is approved by the board. Any additional hours studying the National Electrical Code shall be acceptable. For purposes of this section, a contact hour means fifty minutes of classroom attendance at an approved course under a qualified instructor approved by the board.*

On October 18, 2021, City Staff discussed eliminating in-house examinations and only registering electricians with proof of testing with the State with the City of Hastings Electrical Examining Board. During that meeting, the two electrical contractors on the board did not like the fact that we would no longer be having exams, as they believed it to be a benefit to our local contractors. However, their biggest complaint was that they assumed that anyone taking an exam would have to drive to North Platte or Lincoln to test. In checking with the State of Nebraska, we have since confirmed that anyone wishing to take their test can do so online from their own home and therefore, driving should not be an issue.

Lastly, there is only one other municipality in the State of Nebraska that is accomplishing in-house testing, as we are and that is the City of Fremont. The State would prefer, particularly if reciprocating with them, that the testing be left to them and that municipalities would simply register electricians and verify the testing occurred with them.

In short, the benefits of making this change now far outweigh the costs of continuing the in-house testing and are summarized as follows:

1. Less burden on staff time and resources.
2. Temporary City Hall considerations for potential limited conference areas to test would no longer be a concern for the future.
3. Electrical Board concerns for access to tests have since been fully vetted with the discovery of online testing options at the State level.
4. Municipal consistency in how this testing occurs eliminates barriers to reciprocate with other municipalities. Again, we are one of just 2 municipalities in the entire State doing in-house testing.
5. Continuing education requirements are already being addressed by the State and so incorporating those into our processes locally to comply with law would no longer be a concern. Adding it would further stress staff time and resources.
6. It just makes sense. We are redoing something already done by the State. It eliminates doing something no longer necessary. This should open up some time for staff to use on other important tasks.

**Recommendation:**

Staff recommends motion to recommend approval for an ordinance to amend the Hastings City Code Chapter 29, Article III, regarding electrical exams, and licensing procedures and requirements.

## Chapter 29 - ELECTRICAL CODE<sup>[1]</sup>

Footnotes:

--- (1) ---

**Cross reference**— Buildings, ch. 28

### ARTICLE I. - IN GENERAL

#### Sec. 29-101. - Adoption of the National Electric Code.

The National Electric Code 2017 Edition, is hereby adopted as the Electric Code of the City of Hastings, Nebraska for establishing the minimum regulations governing the conditions and maintenance of all electrical service and appliances regarding all property, buildings, and structures, providing the standards for electrical service and appliances and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use. Each and all of the regulations, provisions, penalties, conditions, and terms of the National Electric Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed herein. The National Electric Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein, 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. One copy of the National Electric 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 National Electric Code shall be controlling throughout the municipality and throughout its extraterritorial zoning jurisdiction.

(Code 1973, 12-1; Ord. Nos. 2636, 2975-5/86, 3020-5/87, 3170-5/90, 3336-8/93, 3545-8/96, 3671-3/99, 4021-6/2005, 4183-7/2008, [4441](#) -6/2015, [4523](#) -10/2017)

#### Sec. 29-102. - Duties of Electrical Inspector; Assistant Electrical Inspector.

The Electrical Inspector shall act under the direction of the Development Services Director and shall have supervision of all electrical installation work in the City, and shall perform such duties as are prescribed in this chapter. He shall have the right, during reasonable hours, to enter any building in the City for the performance of his duties.

The Electrical Inspector shall inspect all electrical installations and the installation and construction of the electric system to ensure compliance with the requirements of this chapter and with any additional conditions set forth in any permit.

The Electrical Inspector shall inspect all electrical distribution systems from the weather head, or point of attachment to the supplying utility, in the City, and investigate all cases reported to or referred to him, of the use of unsuitable material or workmanship on any job of electrical work, or the violation of the provisions of this chapter, and report such fault or violation to the Development Services Director for further action.

Assistants to the Electrical Inspector shall be appointed by the Development Services Director after examination and recommendation by the merit service commission. Any assistant to the Electrical Inspector shall have such powers and duties as are assigned to him by the Electrical Inspector.

The Electrical Inspector shall have the authority to cause the turning off of all electric current and to cut or disconnect in cases of emergency any wire where such electric current is dangerous to life and property or may interfere with the work of the Fire Department. The Chief of the Fire Department or person in charge at times of fire, as well as the electrical inspector, or either of them, shall have the power

to at once cause the removal of all wires or the turning off of all electric current where the circuits interfere with the work of the Fire Department during the progress of a fire.

(Code 1973, 12-2; Ord. Nos. 1896, 2240, 2562, [4441](#) -6/2015)

Sec. 29-103. - Inspections generally; correction of defective installations.

The Electrical Inspector shall make inspections of any electrical wiring, appliance installations or connections upon request in order to ascertain whether the electrical wiring or appliance installation requirements have been or are being violated. Should the Electrical Inspector, upon making such an inspection as requested, find an unsafe or unsatisfactory installation, he shall have the authority to shut off the appliance or service at the meter. He shall tag the unsafe or unsatisfactory installation and he shall notify (1) the installer immediately if the job is a new installation or (2) the owner, agent, tenant or one in charge of the property to cause said unsafe or unsatisfactory installation to be remedied within a specified time and not exceeding ten days, if it is not a new installation. Failure to make such corrections, changes or repairs or failure to notify the inspector to make reinspections, within the specified time after receiving such notification to comply therewith, shall be considered as maintaining an unsafe electrical installation and violating the requirements of this section. In such case, the inspector shall make such reinspections of the premises as the inspector deems reasonable and necessary and report his findings to the Development Services Director who shall, in turn, cause action to be taken in the proper court to secure compliance with this section, in which case the penalties set forth in Section 29-117 shall apply. It shall be the duty and the responsibility of the installer or one making the corrections, changes or repairs, to notify the inspector within 48 hours after completion of the correction, changes or repairs and request a reinspection. Request for inspection shall be made by the installer at the office of the electrical inspector not less than eight working hours in advance of inspection.

(Code 1973, 12-3; Ord. No. 1896, [4441](#) -6/2015)

Sec. 29-104. - Installation of new apparatus; compliance with chapter.

All electric apparatus shall be installed strictly in accordance with the provisions of this chapter. Upon completion of the installation of any electric apparatus, the installer installing the same shall notify the electrical inspector who shall inspect such electric apparatus and the installation thereof, and, if all of the provisions of this chapter have been complied with, then the electrical inspector shall issue a certificate of approval, which certificate shall certify that such apparatus has been installed in accordance with the provisions of this chapter. No electric apparatus shall be used until inspected by the electrical inspector and a certificate issued by him approving same and permitting its use.

(Code 1973, 12-4; Ord. No. 1896, [4441](#) -6/2015)

Sec. 29-105. - Disconnecting means, circuit breakers, etc.

- (1) *Required.* A single means of disconnecting all ungrounded conductors in the building from the service entrance conductors shall be provided.
- (2) *Location.* The disconnecting means shall be located at a readily accessible point nearest to the entrance of the conductors, either inside or outside the building wall.
- (3) *Approval.* The disconnecting means shall be of a type approved for service equipment and for prevailing conditions.
- (4) *Types permitted.* The disconnecting means for ungrounded conductors shall be a manually operable switch or circuit breaker or the air-break or oil immersed type, equipped with a handle or other suitable operating means, positively identified and marked, for mechanical operation by hand.

A push-button type of electrical remote control may be used in addition to the manual handle.

- (5) *Externally operable.* All enclosed service switches or circuit breakers shall be externally operable. It is recommended that where the current of a single circuit, or group of circuits is separately metered, as in apartment house installations, devices be installed in a convenient location to control each separately metered installation, such devices being enclosed and the switch or circuit breaker being externally operable.
- (6) *Indication of type.* The disconnecting means shall plainly indicate whether it is in the open or closed position.
- (7) *Equipment.* Service equipment installations up to and including 200 amperes may be installed anywhere in the City without a main disconnecting means prior to the meter equipment. A disconnecting means shall be supplied on central air conditioning units. Manufactured or harness-type wiring systems not bearing the Underwriters Laboratories label for the entire system shall not be installed in residential or commercial installations.
- (8) *Rating.* Residential service disconnecting means shall have a rating not less than the load to be carried determined in accordance with Article 220 of the National Electrical Code. In general the service disconnecting means shall have a rating of not less than 100 amperes where a switch or a circuit breaker is used. All existing 60 ampere residence electrical service shall have no more than eight connecting branch circuits.
- (9) *Conductors serving additional buildings.* In a property comprising more than one building under single management, the conductors supplying each building served shall be provided with a readily accessible means, within or adjacent to the building, of disconnecting all ungrounded conductors from the source of supply. In garages and outbuildings on residential property, the disconnecting means may consist of a snap switch, suitable for use on branch circuits, including switch controls at more than one point.
- (10) *Disposal units and dishwashers—residential use.* Disposal units and dishwashers shall be installed with a disconnecting means within access of the unit, and both units will be installed with GFCI/AFCI protection. The disconnecting means may be with a cord and plug connection under the sink inside of the cabinet. The disposal unit and dishwasher may be installed on the same 20 Amp circuit, and wired with a single duplex receptacle that is split wired for switching the disposal.

Disposal units shall be installed with a fused disconnect means within access of the unit.

(Code 1973, 12-5; Ord. Nos. 1896, 2013, 2240, [4441](#) -6/2015, [4523](#) -10/2017)

#### Sec. 29-106. - Installation of electric meters.

Electric meters shall be installed as near as practicable to the point where the service enters the building and should be so located as to be readily accessible for examination, reading and replacement. An electric meter shall not be placed where it will be subject to damage. It shall be located at a minimum of 54 inches to a maximum of 75 inches above grade. The measurements are to be made to the center of the meter. Meters for single family homes shall be located outside of the building. Meters for other buildings shall be located outside of the building or in an approved meter room to which the utility and emergency first responders have 24/7 access.

(Code 1973, 12-6; Ord. No. 1896, [4441](#) -6/2015, [4527](#) -11/2017)

#### Sec. 29-107. - Wiring methods.

Approved metallic conduit shall be used in new construction or extension wiring in the installation of all electric apparatus in all commercial and industrial buildings and structures.

Non mixed-use buildings and structures (residential only):

- (1) Approved non-metallic cable may be used in all multi-family dwellings and related accessory buildings or garages. Conduit or approved metallic cable shall be used where subject to physical damage.
- (2) Approved non-metallic cable may be used in other residential structures with private garages where the floor area of the same will permit the storage of not more than four vehicles. Conduit or approved metallic cable shall be used where subject to physical damage.

Mixed-use buildings and structures—(buildings with a commercial or retail space on the main floor and apartments above

- (1) Approved non-metallic cable may be used in multi-family units located on floors above a mixed-use (or commercial) building or structure where all of the following conditions are met:
  - (a) The building is not more than three stories in height. For the purposes of this section, a basement shall be considered a story.
  - (b) Dwelling units shall be separated from other dwelling units and the commercial or mixed-uses below by fire barriers as prescribed by the City's Building Code.
  - (c) Lighting, emergency lighting; exit signs and any other required corridor life-safety equipment or devices shall be on a separate branch circuit in approved metallic cable or conduit.
  - (d) Any and all wiring for any common areas that are accessible to the public shall be done in approved metallic cable or conduit.
  - (e) Conduit or approved metallic cable shall be used where subject to physical damage.
- (2) Buildings with a commercial or retail space and residential space on the same floor shall be completely wired in approved metallic cable or conduit, unless the commercial space takes up less than ten percent of the space on the floor, and a two hour fire separation is provided between the residential space and the commercial or retail space.
- (3) Approved non-metallic cable may be used in other residential structures with private garages where the floor area of the same will permit the storage of not more than four vehicles. Conduit or approved metallic cable shall be used where subject to physical damage.

(Code 1973, 12-8; Ord. No. 1896, [4441](#) -6/2015, [4523](#) -10/2017)

Sec. 29-108. - Enclosing of service wires.

Service wires for all electrical installations shall be enclosed in approved metallic conduit from service entrance head to main disconnect device or meter; provided however, when the service mast is used to support the service drop to the building or structure, the mast shall be a minimum of two inch rigid metallic conduit (RMC) or two inch intermediate metallic conduit (IMC).

(Code 1973, 12-9; Ord. No. 1896, [4441](#) -6/2015)

Sec. 29-109. - Light in stairways.

All stairways in apartment houses and apartments over business sections shall have a light. This light shall not be on a pull chain or a switch.

(Code 1973, 12-11; Ord. No. 1896, [4441](#) -6/2015)

Sec. 29-110. - Support of objects on conduit wires or fixtures prohibited.

In commercial or residential installations, it shall be a violation of this Code to support any foreign object or installation on conduit, wires or fixtures.

(Code 1973, 12-12; Ord. No. 1896, [4441](#) -6/2015)

Sec. 29-111. - Extension cords, heating devices, etc.

All extension cords, portable cords for lamps, heating devices and electrical appliances shall be reinforced portable cords for their respective uses, and shall not exceed six feet in length.

(Code 1973, 12-13; Ord. No. 1896, [4441](#) -6/2015)

Sec. 29-112. - Starting motors across the line.

Motors up to 30 horsepower in one motor may be started across the line. Up to 50 horsepower motor with a fluid drive or pressure relief device may be started across the line also.

(Code 1973, 12-15; Ord. No. 1896, [4441](#) -6/2015)

Sec. 29-113. - Placement of sheet metal, etc., near wiring.

Any person and any contractor desiring to place any sheet metal, insulation or other material, in construction, repairing or improving any building or structure, within six inches of any electric wire not installed in approved conduit for use in connection with electric light, heat or power, shall, before proceeding with the execution of such work, notify the electrical inspector who shall inspect the same and cause all wires to be placed in a safe and secure condition.

(Code 1973, 12-16; Ord. Nos. 1896, 2275, [4441](#) -6/2015)

Sec. 29-114. - Gasoline stations.

Wiring of service stations or petroleum dispensing stations shall be in accordance with the National Electrical Code as adopted by the City.

(Code 1973, 12-17; Ord. No. 1896, [4441](#) -6/2015)

Sec. 29-115. - Mobile home courts and camps.

Every mobile home court or camp shall be equipped with electric power. All mobile home courts and camps shall comply with this chapter and shall be inspected by the electrical inspector.

(Code 1973, 12-18; Ord. No. 1896, [4441](#) -6/2015)

Sec. 29-116. - Grounding.

Every new building when constructed and whether or not electrical power will be installed in said building, shall be provided with a concrete encased grounding electrode, hereinafter referred to as a Ufer ground. Ufer grounds shall be any one of the following:

- (1) Twenty feet of #4 rebar ( $\frac{1}{2}$  inch diameter) placed in the concrete foundation of the building. Lap splices shall not be less than eight inches and shall have a minimum of two wire ties. A minimum

of four inches of the rebar shall be exposed above the sole plate, slab or foundation, accessible for bonding. The stub shall be painted green to identify it as the ufer ground.

- (2) A bare #4 AWG copper wire 20 feet long placed in the concrete foundation of the building. A minimum of four inches of such wire shall be exposed above the sole plate, slab or foundation, accessible for bonding.
- (3) Twenty feet of #4 rebar as described in item (1) above, attached to a #4 AWG with an approved bonding clamp may also extend from the rebar and be exposed a minimum of four inches above the sole plate, slab or foundation and accessible for bonding.

If wall coverings, including but not limited to, wood sheeting, paneling, gypsum board, oriented strand board, FRP, plywood or other finishes will be installed, the ufer ground bonding point shall be made accessible by installation of an access panel, two gang plaster ring or the like.

When using the incoming water service as the ground point in any new installation, remodel or service change, the attachment to the metal water service must be made within five feet of the entrance of the water service to the building, and the water meter must be jumped with approved clamps.

( [Ord. No. 4441](#) -6/2015, [4523](#) -10/2017)

Sec. 29-117. - Spring loaded devices; limitations.

Electrical devices provided with spring loaded connections (back stab connections) shall not be used unless such devices are also provided with screws and follow plates. Wire connections to such devices shall not utilize the spring loaded connections.

( [Ord. No. 4441](#) -6/2015, [4523](#) -10/2017)

Sec. 29-118. - Bonding of metallic raceways.

Any new or reworked metallic raceway shall have a correctly sized equipment grounding conductor installed in that raceway.

( [Ord. No. 4441](#) -6/2015, [4523](#) -10/2017)

Sec. 29-119. - Disposition of fees collected under chapter.

All fees collected under the provisions of this chapter shall be credited to the general fund of the City.

(Code 1973, 12-20; Ord. No. 1896, [4441](#) -6/2015, [4523](#) -10/2017)

Sec. 29-120. - Penalties.

Any person upon whom a duty is placed by the provisions of this chapter, who shall fail, neglect or refuse to perform such duty or who shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided by this Code. If the defendant is a licensed electrician the judgment of the conviction may also include a provision for the revocation of the defendant's license for such time as the court shall determine. If the license of any defendant is thus revoked, the court shall furnish, or cause to be furnished, **the Electrical Inspector, Office of Development Services** Examining Board for Electricians and the City Clerk certified copies of the judgment of conviction.

(Code 1973, 12-21; Ord. No. 1896, [4441](#) -6/2015, [4523](#) -10/2017)

**Cross reference**— As to general penalty, see Section 1-109 of this Code.

Secs. 29-121—29-200. - Reserved.

## ARTICLE II. - PERMITS

Sec. 29-201. - Installation permit—Required.

No wiring or electrical apparatus shall be installed until a permit has been obtained.

A permit shall be obtained whenever more than three electrical devices are replaced or added, including devices that are being changed for the purposes of increasing energy efficiency. This is to include receptacles, switches, lighting outlets and equipment that is hard wired, and is all inclusive of any residential, commercial or industrial facility. Replacement of three or fewer such devices shall be considered normal repair and maintenance and shall not require a permit.

A permit shall be obtained whenever a roof top unit, furnace or air conditioner or any combination of these are being replaced or added to any home, retail, commercial or industrial facility.

Any electrical conduit that is ran in any commercial facility for more than three devices will require an electrical permit and subsequent inspection, including conduit ran for the purpose of housing low voltage system conductors.

A permit shall be obtained whenever a new fire alarm system is being installed in a facility, or modifications are made to an existing fire alarm system that consist of more than three devices.

A permit shall be required for any repair or up-grade to an electrical service from the utility service supply drop to the service panel, including the utility supplied meter socket.

(Code 1973, 12-22; Ord. Nos. 1896, 2275, [4441](#) -6/2015, [4523](#) -10/2017)

Sec. 29-202. - Same—Filing of plans; inspection fees.

No permit shall be issued until an applicant has filed a plan with the Electrical Inspector and paid an inspection fee as set forth in the most recent Council fee resolution.

(Code 1973, 12-23; Ord. Nos. 1896, 2273, 2559, 2775, [4441](#) -6/2015)

Sec. 29-203. - Same—Issuance; inspection fee for work completed prior to obtaining permit.

If the plan submitted complies with this chapter in all respects, upon payment of the inspection fee, the Electrical Inspector shall issue a permit for the installation thereof. Any installation completed for which a permit has not been taken will be inspected and an inspection fee double the rate shown above will be assessed against the installer.

(Code 1973, 12-24; Ord. Nos. 1896, 2275, [4441](#) -6/2015)

Sec. 29-204. - Reinspection fees.

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date and time for which inspection is requested, or for deviating from plans requiring the approval of the Building Inspector.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(Ord. No. 4106-10/2006, [4441](#) -6/2015)

Secs. 29-204—29-300. - Reserved.

### ARTICLE III. - ELECTRICIANS

~~Sec. 29-301.—Examining Board.~~

~~There is hereby created an Examining Board for Electricians which shall comprise the electrical inspector, City Engineer, two appointees from the local electrical trades group, and one member from the City Council all to be selected by the Mayor and approved by the City Council. One of such appointees shall be a certified electrical contractor and one shall be an accredited employee or member of a firm duly authorized and certified to install electric wiring and equipment. The Electrical Inspector shall be secretary of the Examining Board for Electricians and shall have custody of all records of the same. The Examining Board for Electricians is hereby authorized, empowered and directed to prescribe, amend and enforce rules and regulations consistent with this chapter for the examination of Journeyman Electricians and Master Electricians. Each appointment shall be for a period of two years with the term of office to expire the first day of July after the full two year period has been served or in the case of the city councilperson, until his or her term of office as councilperson ends, whichever comes first. Vacancies shall be filled by the appointive power to serve for the balance of the term of the member of the Board whose position becomes vacant. Each member of the Board shall receive \$10.00 for each meeting.~~

(Code 1973, 12-26; Ord. Nos. 1896, 2384, 3644-5/98, [4441](#) -6/2015)

Sec. 29-302. – Certification **Registration**—Required.

No person shall engage in or work at the business, trade or calling of an electrician in the City until he or she shall have been certified **registered** as an electrician **within the City of Hastings**, qualified with the ~~Examining Board for Electricians~~ **State of Nebraska** for such work, and paid all applicable fees and occupation taxes **to the State of Nebraska and the City of Hastings**.

(Code 1973, 12-27; Ord. No. 1896, 3644-5/98, [4441](#) -6/2015)

Sec. 29-303. - Same—Application.

Application for ~~certification~~ **registration** shall be made in writing to the Electrical Inspector at the Office of the ~~City Engineer~~ **Development Services Department** upon blanks furnished by that office, which shall show the name, residence and business location of the applicant, and such other information as may be required, including copies of any current licenses that the applicant may hold. ~~If the applicant is applying to take one of the tests for electrical license in the City of Hastings, they also must provide proof of verifiable experience from any of their employers that will amount to four years spent as an apprentice prior to testing for the Journeyman's license, or two years spent as a Journeyman prior to testing for the Master's license.~~

(Code 1973, 12-28; Ord. No. 1896, 3644-5/98, [4441](#) -6/2015, [4523](#) -10/2017)

Sec. 29-304. - Apprentices.

It shall be unlawful for any person to work as an electrician's apprentice without first obtaining an electrician's apprentice certification registration. Upon payment of the certification registration fee as set forth in the most recent Council fee resolution to the Development Services Department, and the filing of a written application with the Electrical Inspector, or his deputy, shall issue to any person over 18 years of age, and engaged in learning the trade of electrician, an annual apprentice's certificate which shall expire on April 30th after its issuance. Such apprentice's certificate registration shall not be transferable and shall entitle the holder thereof to act as an electrician's apprentice to a certified registered electrician. It shall be unlawful for an apprentice electrician to do or perform any act of electrical installation, repair or maintenance without the personal supervision of a certified registered journeyman or master electrician in actual physical attendance at all times the work is being done or performed; and it shall further be unlawful for any certified registered journeyman or master electrician employing any apprentice electrician to assign work to be done and performed by the apprentice in violation of the foregoing provisions.

No corporation, firm or partnership shall be allowed more than three apprentice electricians to each master or journeyman electrician employed by the corporation, firm or partnership on any one given job or project.

(Code 1973, 12-29 and 12-37; Ord. No. 1896, 3644-5/98, [4441](#) -6/2015)

Sec. 29-305. - Journeyman or Master Electrician—Examination; issuance of certificate registration.

An applicant for a Journeyman or Master electrician registration must show proof of a current State of Nebraska license. ~~certificate shall have worked under the supervision of a certified Journeyman or Master Electrician, for a period of four years, before being eligible to take a Journeyman electrician's examination. An applicant for a master electrician's certificate shall have worked under the supervision of a Master Electrician, for a period of two years, before being eligible to take a master electrician's examination.~~

Before the applicant shall be certified registered as a Journeyman or Master Electrician, as the case may be, he/she shall have a certificate or a license granted by the State of Nebraska Electrical Division, or he shall submit to an examination to determine his fitness and competency to engage in the business or trade of electrical work, which examination shall be given by the Examining Board for Electricians, as hereinabove provided. Upon the payment of the required certification registration fee, such applicant, after having by such examination shown himself to the satisfaction of the Examining Board for Electricians, to be fit, competent and qualified to act as a journeyman electrician or master electrician, as the case may be, shall be certified registered by the Electrical Inspector who shall deliver to the applicant a certificate registration signed by the Electrical Inspector.

~~An applicant failing to pass an examination shall not be eligible for the re-examination until six months shall have elapsed after the previous examination. Should he fail after the third examination, he shall not be eligible for a period of one year thereafter to take an additional examination. He shall pay an examination fee for each re-examination required.~~

~~Any person certified as a Journeyman or Master Electrician by State of Nebraska, or the cities of Grand Island, Nebraska or Kearney, Nebraska shall be exempt from taking the foregoing examination and, provided the applicant is otherwise qualified pursuant to this Code, be issued an equivalent certificate upon application and payment of all applicable fees and occupation taxes.~~

It shall be unlawful for any apprentice, Journeyman or Master Electrician to work in the jurisdiction of the City of Hastings without first obtaining from the office of the Electrical Inspector, a certificate registration, either by examination or by providing credentials as provided in this section and paying the applicable fee as set forth in the most recent fee resolution approved by City Council.

(Code 1973, 12-29; Ord. No. 1896, 3644-5/98, [4441](#) -6/2015)

Sec. 29-306. - Same—Fees.

The fees to be charged for ~~certification and examination~~ **registration** under this chapter shall be as set forth in the most recent Council fee resolution.

(Code 1973, 12-30; Ord. Nos. 1896, 2775, 3644-5/98, [4441](#) -6/2015)

Sec. 29-307. - Partnerships and corporations.

A partnership or corporation shall be certified as eligible for a Master Electrician's ~~certificate~~ **registration** upon payment of the certification fee and filing with the Electrical Inspector of an application upon forms prescribed by the Electrical Inspector showing that a ~~certified~~ **registered** Master Electrician is a member of the firm or an officer of the corporation and will at all times be in actual charge of and responsible for the installation, removal or repair of all electrical work done by the firm or corporation. The certificate of a firm or corporation shall terminate automatically upon the withdrawal from the firm or corporation of the Master Electrician listed upon the application.

(Code 1973, 12-31; Ord. No. 1896, 3644-5/98, [4441](#) -6/2015)

Sec. 29-308. – Certificates **Registrations**.

All ~~certificates~~ **registrations** required by this chapter shall expire on April 30th following date thereof and shall not be assignable. If ~~certification and~~ registration fees are not paid within 30 days of expiration, the certificate shall be automatically revoked.

(Code 1973, 12-32; Ord. No. 1896, 3644-5/98, [4441](#) -6/2015)

Sec. 29-309. - Same—Renewal.

~~Certificates~~ **Registrations**, at the time of their expiration, may be renewed upon recommendation of the ~~Electrical Inspector~~ **Examining Board for Electricians** without an examination upon **presentation of proof of State of Nebraska Licensing and** payment of the required fee.

~~Any person certified under the provisions of this chapter as a journeyman electrician or master electrician who does not renew his certification for a period of one month after the expiration of same, shall pay the examination fee required by this article, and submit himself to an examination by the Examining Board for Electricians before such person can be certified.~~

(Code 1973, 12-33; Ord. No. 1896, 3644-5/98, [4441](#) -6/2015)

Sec. 29-310. - Same—Revocation generally.

The City Council by a majority vote shall have the power to revoke any journeyman electrician's or master electrician's ~~certificate~~ **registration** upon the recommendation of the City of Hastings Electrical Inspector or the State of Nebraska Electrical Division, if the same was obtained through error or fraud or if the recipient thereof is shown to be grossly incompetent or has a second time willfully violated any of the provisions of this chapter, including the National Electrical Code adopted by the City. This penalty shall be cumulative and in addition to the penalties prescribed for the violation of the provisions of this chapter. If a ~~certificate~~ **registration** is revoked, the holder of the same may not apply for ~~certification~~ **registration** until one year from the date of such revocation.

(Code 1973, 12-34; Ord. No. 1896, 3644-5/98, [4441](#) -6/2015)

Sec. 29-311. - Same—Material or supply dealers.

Any person engaged in dealing in materials or supplies, but not engaged in the installation, alteration, repair or removal of appliances shall not be required to be ~~certified~~ **registered** under this article.

(Code 1973, 12-35; Ord. No. 1896, 3644-5/98, [4441](#) -6/2015)

Sec. 29-312. - Permitting name to be used by another.

No ~~certified~~ **registered** electrician shall allow his name to be used by another person, directly or indirectly, to obtain a permit for the installation of any electrical work. If any ~~certified~~ **registered** electrician violates this provision, the City Council shall forthwith revoke the ~~certificate~~ **registration** issued to such electrician and, in addition to having his ~~certificate~~ **registration** revoked, such electrician may be prosecuted under this Code for such violation **and the State of Nebraska Electrical Division will be notified of the infraction.**

(Code 1973, 12-36; Ord. No. 1896, 3644/5-98, [4441](#) -6/2015)

Sec. 29-313. - Insurance.

The holder of any ~~certificate~~ **registration** under this chapter shall secure and maintain during all times that the ~~certificate~~ **registration** is in effect, bodily injury and property damage liability insurance coverage with limits of at least \$300,000.00. The ~~certified~~ **registered** electrician shall furnish the ~~City Clerk~~ **Department of Development Services** with a certificate of such insurance coverage, which certificate shall note that the insurance coverage shall not be terminated except upon ten days' written notice to the City of Hastings.

The policy of insurance required by this section shall be purchased at the expense of the applicant, shall be in effect for at least one year from May 1 of the current year and shall provide coverage of products, hazards and completed operations. Cancellation of a policy shall automatically suspend the ~~certificate~~ **registration** of ~~the~~ applicant until a substitute policy has been obtained and a certificate of that fact has been filed in the office of the ~~City Clerk~~ **Department of Development Services**.

(Code 1973, 12-38; Ord. Nos. 1896, 1915, 2162, 3644-5/98, [4441](#) -6/2015)

Sec. 29-314. - Installation by ~~uncertified~~ **unregistered** electricians.

It shall be unlawful for any person to cause or permit any job of electrical connections incident to any property owned, managed or controlled by such person, unless the electrician performing such work has been ~~certified~~ **registered** as required by this Article and has received a permit from the City electrical inspector for the particular work.

(Code 1973, 12-39; Ord. No. 1896, 3644-5/98, [4441](#) -6/2015)

Sec. 29-315. - Nonresident contractors.

In addition to charging and collecting the fees provided for in the most recent Council fee resolution, the electrical inspector shall require from any nonresident person performing a contract or completing a job within the jurisdiction of the City (1) satisfactory evidence that the applicant is qualified, and (2) a set of plans and specifications for the work to be performed. Any nonresident contractor shall provide to the electrical inspector a list of employees who will work on that jobsite, and ~~the qualifications or~~ **a copy of the State of Nebraska for license from the jurisdiction which has licensed for each employee. All non-resident electricians will be required to be registered by the Department of Development Services.**

(Code 1973, 12-40; Ord. Nos. 1898, 2273, 2369, 3644-5/98, [4441](#)-6/2015)