

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 5.38 of the Lincoln Municipal Code relating to  
2 Rental Dwellings, Hotels, Motels, and Rooming Houses by amending Section 5.38.010,  
3 Definitions, to amend the definition for “Dwelling Unit” to add that the term “unit” shall have the  
4 same meaning as Dwelling Unit and to delete the definition for “House or houses”; by adding a  
5 new section numbered 5.38.015 entitled “Registration” to require all rental dwellings to be  
6 registered with the Building Official; by adding a new section numbered 5.38.016 entitled  
7 “Registration Process” to establish the registration process for owners of rental dwellings required  
8 to register pursuant to Section 5.38.015; by adding a new section numbered 5.38.017 entitled “Fee  
9 and Time for Registration” to require a one-time fee of \$15.00 to be submitted with each  
10 application for registration for each rental dwelling required to be registered under Section  
11 5.38.015; by adding a new section numbered 5.38.018 entitled “Initial Registrations” to allow  
12 houses or dwellings requiring registration under Section 5.38.015 ninety (90) days to register; by  
13 amending Sections 5.38.020, 5.38.030, 5.38.040, 5.38.050, 5.38.065, 5.38.070, 5.38.080,  
14 5.38.085, 5.38.090, and 5.38.100 to replace house with rental dwelling; by amending Section  
15 5.38.045 to include that interior inspections shall be conducted under defined circumstances; by  
16 amending 5.38.050 to include penalties for failure to pay permit fees; by adding a new section  
17 numbered 5.38.055 entitled “Operating Without a Permit” to prohibit operation of unlawful  
18 structures; by amending Section 5.38.075 to reference the correct section for means of appeal; by  
19 amending Section 5.38.110 to add that the City Law Department is authorized to take such other  
20 actions necessary to enforce the penalties for violations; and repealing Sections 5.38.010;  
21 5.38.020; 5.38.030; 5.38.040; 5.38.045; 5.38.050; 5.38.065; 5.38.070; 5.38.075; 5.38.080;  
22 5.38.085; 5.38.090; 5.38.100; and 5.38.110 of the Lincoln Municipal Code as hitherto existing.

1 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

2 Section 1. That Section 5.38.010 of the Lincoln Municipal Code be amended to read as  
3 follows:

4 **5.38.010 Definitions.**

5 The following words as used in this chapter shall have the following meanings:

6 **Building Official** shall mean the Director of Building and Safety or an authorized  
7 representative, who is hereby authorized and directed to enforce all of the provisions of this  
8 chapter.

9 **Code violation** shall mean a violation of Lincoln Municipal Code Titles 5, 19, 20, 21, 23,  
10 24, 25, or 27 requiring some corrective action on the part of an owner, local property manager, or  
11 tenant as a result of an inspection by the Building Official pursuant to procedures as set forth in  
12 Lincoln Municipal Code Titles 5, 19, 20, 21, 23, 24, 25, or 27, hereinafter referred to as “the  
13 Codes.”

14 **Complaint Based Inspection** shall mean any inspection required as a result of a complaint  
15 placed with the Building Official.

16 **Dwelling uUnit** shall mean any room or group of rooms located in a structure and forming  
17 a single habitable unit with permanent facilities which are used or intended to be used for living,  
18 sleeping, cooking, eating, and sanitation. The term “unit” shall have the same meaning as  
19 Dwelling Unit.

20 ~~**House or houses** shall mean rooming houses, lodging houses, apartment houses, motels,~~  
21 ~~and hotels and shall include all buildings, structures, or dwellings containing three or more rooms~~  
22 ~~and/or suites of rooms, or both, in which sleeping accommodations are furnished by the owners or~~  
23 ~~operators, or which are suitable for sleeping accommodations furnished by the tenants or guests,~~  
24 ~~which rooms or suites of rooms are held out to the public to be places where such accommodations~~

~~are furnished or can be installed, and are rented, let, or leased to members of the public. In the case of apartment houses, a three unit apartment house with the owner occupying one of the units shall be deemed a house.~~

**Inspection** shall mean any investigatory review by the Building Official of a rental dwelling or dwelling unit for compliance with the Codes.

**Permit Inspection** shall mean any inspection required as part of the permit issuing process required in Section 5.38.020.

**Preliminary Inspection** shall mean the first or initial inspection in any inspection process.

Rental Dwelling shall mean Rooming House, Hotel, Motel, Single-Family Dwelling, Two-Family Dwelling, Multiple Dwelling, or other Dwelling, as defined in Chapter 27.02 that is held out to the general public for rent or lease.

**Rooming unit** shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Section 2. That Chapter 5.38 of the Lincoln Municipal Code be amended to add a new Section numbered 5.38.015 to read as follows:

**5.38.015 Registration.**

All rental dwellings which are currently being rented or leased or are held out to the general public for rent or lease shall be required to be registered with the Building Official.

Section 3. That Chapter 5.38 of the Lincoln Municipal Code be amended to add a new Section numbered 5.38.016 to read as follows:

**5.38.016 Registration Process.**

The owner of any rental dwelling required to be registered pursuant to Section 5.38.015, shall register said rental dwelling by filing an application form in accordance with a process established by the Building Official. For rental dwellings operating under a permit pursuant to Section

1 5.38.020, the permit to operate shall serve as the registration. Each application shall identify the  
2 name, address, telephone number, and email address of the owner and, if applicable, a person or  
3 company with authority to make decisions on behalf of the owner (hereinafter referred to as  
4 “representative”). Said owner or representative must be located within sixty (60) miles of the  
5 rental dwelling.

6 Section 4. That Chapter 5.38 of the Lincoln Municipal Code be amended to add a new  
7 Section numbered 5.38.017 to read as follows:

8 **5.38.017 Fee and Time for Registration.**

9 A one-time fee of fifteen dollars (\$15.00) shall be submitted with each application for registration.  
10 Each rental dwelling required to be registered under Section 5.38.015 shall be registered within  
11 thirty (30) days of purchase, acquisition, issuance of a certificate of occupancy, or condominium  
12 conversion thereof. Failure to timely register may result in a late fee of fifty dollars (\$50.00) and  
13 such other enforcement as may be permitted by this title.

14 Section 5. That Chapter 5.38 of the Lincoln Municipal Code be amended to add a new  
15 Section numbered 5.38.018 to read as follows:

16 **5.38.018 Initial Registrations.**

17 Rental dwellings requiring registration under Section 5.38.015 shall have ninety (90) days from  
18 the date of implementation of this Section to register as required herein.

19 Section 6. That Section 5.38.020 of the Lincoln Municipal Code be amended to read as  
20 follows:

21 **5.38.020 Permit Required.**

22 It shall be unlawful for any person to maintain or operate a rental dwelling with three or  
23 more units~~such house or houses~~ without first having procured a permit therefor as hereinafter  
24 provided.

1 Section 7. That Section 5.38.030 of the Lincoln Municipal Code be amended to read as  
2 follows:

3 **5.38.030 Application for Permit; Contents.**

4 Any person desiring to maintain or operate such rental dwelling~~house~~ shall make written  
5 application for a permit therefor upon forms provided for that purpose by the Building Official,  
6 which application shall be filed with said Building Official and shall contain the following  
7 information, in addition to such other information as the Building Official may require:

- 8 (a) Name and current residence and business address of applicant;
- 9 (b) Street address and legal description of premises for which permit is requested;
- 10 (c) Complete description of such premises; type of construction, size of building, number  
11 and location of rooms to be used or usable for sleeping accommodations and other facilities;
- 12 (d) Name and current residence and business address of manager, representative, or person  
13 to be in direct charge of said real property who is authorized to transact business for such owner  
14 or owners and who is considered as the agent of said owner or owners for the collection of rents  
15 for said premises and to receive service of process and all other legal notice;
- 16 (e) Total number of lessees, occupants, and renters of each rental dwelling~~house~~.

17 Section 8. That Section 5.38.040 of the Lincoln Municipal Code be amended to read as  
18 follows:

19 **5.38.040 Compliance with Minimum Standard Housing and Inspection.**

- 20 (a) Before a permit for a rental dwelling with three or more units~~any such house~~ is issued,  
21 or before any existing permit for any such rental dwelling~~house~~ is renewed, the Building Official  
22 shall inspect or cause an inspection to be made to determine if the premises for which such permit  
23 is sought complies in all respects with the provisions of the Codes.

1 (b) The permit inspection under this section shall ~~only~~ be a physical inspection of only a  
2 rental dwelling's~~house's~~ exterior and common areas, if any, unless otherwise permitted by this  
3 section. The permit inspection shall be on a twelve-month schedule, except as follows:

4 (1) A rental dwelling~~house~~ shall be placed on a twenty-four month inspection  
5 schedule under the following conditions:

- 6 (i) When a permit inspection results in no code violations;~~and~~
- 7 (ii) the rental dwelling had ~~N~~o code violations in the last twelve months prior  
8 to inspection; ~~and~~;
- 9 (iii) All prior fees, court fines, and court costs, if any, pursuant to this section,  
10 have been paid in full.

11 (2) A rental dwelling~~house~~ shall be placed on a six-month inspection schedule upon  
12 the occurrence of any one of the following:

- 13 (i) For a rental dwelling~~house~~ with 3 to 12 units: two or more different  
14 complaint inspections, each resulting in code violations, within any twelve-month period;
- 15 (ii) For a rental dwelling~~house~~ with 13 to 24 units: three or more different  
16 complaint inspections, each resulting in code violations, within any twelve-month period;
- 17 (iii) For a rental dwelling~~house~~ with 25 to 36 units: four or more different  
18 complaint inspections, each resulting in code violations, within any twelve-month period;
- 19 (iv) For a rental dwelling~~house~~ with more than 36 units: five or more different  
20 complaint inspections, each resulting in code violations, within any twelve-month period;
- 21 (v) Adjudication by a court of competent jurisdiction of code violations.

22 (3) A rental dwelling~~house~~ placed on a six-month inspection schedule shall remain  
23 on said schedule until it has received two consecutive six-month inspections with no code  
24 violations and no complaint-based code violations during that time.

1 (c) An inspection fee shall be charged in an amount set by the Director, subject to the  
2 approval of the Mayor.

3 (1) For rental dwellings~~houses~~ on a six-month inspection schedule: inspection fee is  
4 waived for a preliminary complaint-based inspection when no code violations are found.

5 (2) For rental dwellings~~houses~~ on a twelve- or twenty-four month inspection  
6 schedule:

7 (i) Inspection fee is waived for a preliminary inspection.

8 (ii) Inspection fee is waived for the first re-inspection when all code violations  
9 noted in the preliminary inspection are repaired within the time allowed by the Building Official.

10 (iii) Fees as required under §5.38.050 shall be payable for each year of the  
11 permit.

12 (3) No permit shall be issued until all inspection fees are paid in full.

13 (d) Nothing herein in this chapter shall be construed to prohibit an inspection pursuant to  
14 a complaint or to prohibit entry of any Building Official at any time when an actual emergency or  
15 the possibility for immediate danger to ~~the~~ public safety exists.

16 Section 9. That Section 5.38.045 of the Lincoln Municipal Code be amended to read as  
17 follows:

18 **5.38.045 Interior Inspection.**

19 (a) An interior inspection of one hundred percent (100%) of the rental dwelling's~~house's~~  
20 ~~interior~~ dwelling units and rooming units shall be conducted by the Building Official when the  
21 following conditions have been met:

22 (1) When one or more units in a rental dwelling with two units has received two or  
23 more housing complaints within one year of each other requiring action as directed by the Building  
24 Official;

1           (2) When two or more different units in a rental dwellinghouse with three to twelve  
2 units have received a housing code complaint within a year of each other requiring action as  
3 directed by the Building Official;-

4           (3) When three or more different units in a rental dwellinghouse with 13 to 24 units  
5 have received a housing code complaint within a year of each other requiring action as directed by  
6 the Building Official.

7           (4) When four or more different units in a rental dwellinghouse with 25 or more units  
8 have received a housing code complaint within a year of each other requiring action as directed by  
9 the Building Official;-

10          (5) When a dwelling unit or rooming unit in a rental dwellinghouse has become  
11 vacant and is not occupied and the unit is available for rent. The owner or agent of the rental  
12 dwellinghouse may contact the Building Official for an interior inspection of the vacant unit at any  
13 time after the vacancy has commenced. Said interior inspection of the unit may not be conducted,  
14 without cause, until five years after the prior interior inspection date;-

15          (6) When one unit in separate rental dwellings under common ownership each  
16 receive a housing code complaint within a year of each other requiring action as directed by the  
17 Building Official;

18          (7) The person upon whom a duty is placed by this Chapter to comply with the  
19 Housing Code for a rental dwelling is convicted in the County or District Courts of Lancaster  
20 County, Nebraska of an offense arising out of the Housing Code;

21          (8) The person upon whom a duty is placed by this Chapter to comply with Housing  
22 Code refuses to accept service of notices of violations of Chapters 5.38 or 21.05 of the Lincoln  
23 Municipal Code.

24          (b) After any of the conditions in subsection (a) above have been met, the Building Official



1 shall provide written notice to the owner or representative in direct charge of said rental  
2 dwellinghouse of the date and time for an interior inspection of all the units or vacant unit(s) as  
3 identified pursuant to Section 5.38.045(a)(54). Said written notice shall be properly served if it is  
4 delivered by personal service on the owner or representative or by first class mail to the owner or  
5 representative at the address provided on the last permit application filed with the Department of  
6 Building and Safety or to the last known address.

7 (c) Once the owner or representative receives notice of the inspection date with the  
8 Building Official, and the owner or representative cannot attend the designated time and date of  
9 inspection, the owner or representative shall notify the Building Official within five days of the  
10 date on the notice and request an alternative time and date of inspection to be set by mutual  
11 agreement between the Building Official and the owner or representative.

12 (d) For purposes of an interior inspection of dwelling units or rooming units, the Building  
13 Official shall provide a written notice and consent form to each tenant or occupant of each occupied  
14 dwelling unit or rooming unit, informing the tenant or occupant of the inspection and requesting  
15 their voluntary consent in providing access and entry to the interior dwelling unit or rooming unit  
16 for the permit inspection. The owner or representative shall provide the names of the tenants upon  
17 request by the Building Official.

18 (e) Said written notice and consent form shall be served by the Building Official to each  
19 tenant or occupant scheduled for an inspection at least two weeks prior to the inspection date. Said  
20 written notice and consent form shall be deemed to be properly served if it is hand delivered ~~in~~  
21 ~~hand~~ to the tenant or occupant or mailed by first class mail at the place held out by said tenant or  
22 occupant as the place for receipt of any communication, or in the absence of such designation, to  
23 his/her last known place of residence. The Building Official shall collect the consent forms.

1 (f) In all cases where a tenant or occupant has voluntarily consented to access and entry to  
2 the dwelling unit or rooming unit for an inspection, pursuant to the consent form, the owner or  
3 representative shall provide access and entry to the dwelling unit or rooming unit.

4 (g) In the event that a tenant or occupant has not voluntarily consented to access and entry  
5 to the dwelling unit or rooming unit for an inspection pursuant to this chapter, the Building Official  
6 or his designee may apply to a court of competent jurisdiction for a warrant authorizing such an  
7 inspection to enforce and determine compliance with the City's minimum housing code. The  
8 owner or representative shall provide access and entry whenever a warrant is issued pursuant to  
9 the provisions of this chapter.

10 (h) It shall be the duty of any authorized official conducting an inspection under this  
11 chapter to make such inspections as required between the hours of 8:00 a.m. and 5:00 p.m. on  
12 Monday through Friday of each week, excluding holidays, unless otherwise mutually agreed upon  
13 by the owner, occupant, or representative in charge and to present to the owner, representative, or  
14 occupant proper credentials issued to him or her by the City of Lincoln.

15 (i) If the owner or representative is not present at the designated inspection time and  
16 date, a reinspection fee of thirty dollars (\$30.00) may be charged by the Building Official to the  
17 owner or representative.

18 Section 10. That Section 5.38.050 of the Lincoln Municipal Code be amended to read as  
19 follows:

20 **5.38.050 Permit Issuance and Fee.**

21 (a) Issuance. If the Building Official is satisfied that the rental dwelling~~house~~ and the  
22 application for permit complies with the requirements of this chapter and other pertinent laws and  
23 ordinances and that the fee specified herein has been paid, the Building Official shall issue a permit  
24 therefor to the applicant. The issuance or granting of a permit shall not be construed to be a permit

1 for, or an approval of, any violation of any of the provisions of this chapter and any other pertinent  
2 laws and ordinances.

3 (b) Fees. A fee for the permit to operate any rental dwelling or rental dwellings~~house or~~  
4 ~~houses~~ regulated by this chapter shall be paid at the office of the Department of Building and  
5 Safety as set forth below:

6 (1) For the first three units in each rental dwelling~~house~~, counting each unit of the  
7 rental dwelling~~house~~ rented, leased, or let as a separate unit, including the owner-occupied unit,  
8 \$60.00 commencing on April 1, 1999 through April 30, 2009; and \$65.00 commencing on May 1,  
9 2009; and

10 (2) For each additional unit of the rental dwelling~~house~~ rented, leased, or let as a  
11 separate unit, \$6.00 commencing on April 1, 1999 through April 30, 2009; and \$7.00 commencing  
12 on May 1, 2009.

13 (c) Waiver of Fee. The fee required by (b) above shall be waived if the seller and buyer  
14 of the property shall have reported the change in ownership to the Building Official within thirty  
15 days of the transfer of ownership and a certificate of compliance as hereinafter provided had been  
16 issued for the property on the date of the reported change in ownership.

17 (d) Failure to Pay Fee. In the event the fee for a new or renewed permit is not paid in  
18 accordance with subsection (b) herein by the due date or expiration date of a current permit, the  
19 owner of the rental dwelling subject to the permit may be granted a thirty (30) day extension for  
20 reasonable cause to pay the fee and applicable late fees and penalties. After the due date, expiration  
21 date, or any extension thereof, the owner must apply for a new permit, pay fees for a new permit,  
22 and all dwelling units listed in the permit application may be inspected, along with common areas  
23 and exteriors.

1 Section 11. That Chapter 5.38 of the Lincoln Municipal Code be amended to add a new  
2 Section numbered 5.38.055 to read as follows:

3 **5.38.055 Operating Without a Permit.**

4 Any rental dwelling that operates without a permit shall be deemed an unlawful structure as  
5 defined in Section 21.05.160, amending Section 108.1.4 of the International Property Maintenance  
6 Code. All unlawful structures shall be vacated and an inspection pursuant to Section 5.38.065  
7 shall be conducted, and housing conditions therein approved, before any unit in the structure may  
8 be inhabited. A Notice to Vacate shall be sent by U.S. Mail or other reasonable means of service  
9 to the owner, management company, if applicable, and the tenants. The Notice to Vacate shall  
10 advise all parties that the structure shall be vacated within sixty (60) days. Failure to vacate may  
11 result in further legal action by the City Law Department to enforce the Notice to Vacate.

12 Section 12. That Section 5.38.065 of the Lincoln Municipal Code be amended to read as  
13 follows:

14 **5.38.065 Certificate of Compliance at Time of Sale.**

15 (a) General. Every owner of a rental dwellinghouse shall tender to a prospective buyer, at  
16 the time of the transfer of ownership of such rental dwellinghouse, a copy of a valid certificate of  
17 compliance or a notice of deficiencies, which shall include a copy of any notice and order issued  
18 pursuant to the Lincoln Minimum Housing Code or any other applicable law or ordinance, issued  
19 by the Building Official.

20 (b) Application. The owner of any rental dwellinghouse desiring to sell or transfer the  
21 same shall file an application for a certificate of compliance with the Building Official upon a form  
22 provided for that purpose by the Building Official.

23 (c) Issuance. The Building Official shall issue a certificate of compliance for a rental  
24 dwellinghouse only after he has inspected such rental dwellinghouse and has found that it complies

1 in all respects with the Lincoln Minimum Housing Code and all other applicable laws and  
2 ordinances. If such rental dwellinghouse is found not to be in compliance with the Lincoln  
3 Minimum Housing Code and all other applicable laws and ordinances, the Building Official shall  
4 issue a notice of deficiencies.

5 (d) Validity. A certificate of compliance shall be valid only for ninety days from the date  
6 of issuance. A certificate of compliance shall not be deemed a warranty or guarantee that a rental  
7 dwellinghouse complies with all provisions of the Lincoln Minimum Housing Code or other  
8 applicable laws and ordinances, nor shall the City be held responsible for any violations not noted  
9 or discovered by the Building Official during his/her inspection of the rental dwellinghouse.

10 (e) Fees. The Building Official is hereby authorized to establish reasonable fees for  
11 inspections made pursuant to an application for a certificate of compliance, which fees, before  
12 becoming effective, shall be approved by the Mayor.

13 Section 13. That Section 5.38.070 of the Lincoln Municipal Code be amended to read as  
14 follows:

15 **5.38.070 Permit; Revocation or Suspension; Grounds; Notice.**

16 (a) Any permit issued under this chapter may be revoked or suspended for cause at any  
17 time by the Building Official for the violation of this or any other related ordinance of the city.  
18 Notice of such revocation or suspension shall be served upon said permittee, or upon the manager  
19 of such rental dwellinghouse, and notice shall set forth wherein said permittee, or said rental  
20 dwellinghouse, fails or has failed to comply with city ordinances.

21 Section 14. That Section 5.38.075 of the Lincoln Municipal Code be amended to read as  
22 follows:

23 **5.38.075 Appeal Procedure.**

1 (a) Any person who is aggrieved by a decision, notice, or order of the Building Official  
2 may appeal such decision, notice, or order to the Housing Advisory and Appeals Board in the same  
3 manner and with the same procedures as set forth in Section 21.05.210020 of the Lincoln  
4 Municipal Code.

5 (b) Any decision of the Board may be appealed to the District Court of Lancaster County,  
6 Nebraska.

7 (c) Enforcement of any decision, notice, or order of the Building Official issued under this  
8 title shall be stayed during the pendency of an appeal therefrom which is properlyproperty and  
9 timely filed.

10 Section 15. That Section 5.38.080 of the Lincoln Municipal Code be amended to read as  
11 follows:

12 **5.38.080 Duty to Report Transfer of Ownership and Apply for New Permit.**

13 Upon the sale of a hotel, motel, rooming, lodging, or apartment rental dwellinghouse, the  
14 seller and buyer of the property shall report the change in ownership to the Building Official within  
15 thirty days of the transfer of ownership. The new owner shall apply for and receive a permit within  
16 thirty days of the transfer of ownership to operate said rental dwellinghouse or units with the date  
17 of issuance being the date of sale. A delinquent penalty fee shall be charged in the amount of fifty  
18 dollars in addition to the regular permit fee to all owners failing to apply for and receive said permit  
19 within the thirty days set forth above. The payment of such delinquent penalty fee shall not relieve  
20 the new owner from fully complying with the requirements of this title, nor prevent prosecution  
21 for violations of this title, nor prevent assessment of penalties provided in this title. A sale of the  
22 property on land contract shall be deemed a transfer of ownership under this section and the buyer  
23 shall apply for and receive the permit within thirty days of the execution of the contract.

1 Section 16. That Section 5.38.085 of the Lincoln Municipal Code be amended to read as  
2 follows:

3 **5.38.085 Duty to Provide Tenant Brochure for Rental Dwellings~~Apartment House,~~  
4 ~~Rooming and Lodging Houses.~~**

5 Upon commencement of any lease of an apartment, rooming or rental dwelling~~lodging house~~  
6 ~~unit~~ to a tenant, the owner or representative of said rental dwelling~~house~~ shall provide the tenant  
7 with a brochure, as approved by the Building Official, outlining the tenant’s rights and landlord’s  
8 duties under the Nebraska tenant/landlord act and under the City of Lincoln minimum housing  
9 code. The brochure will include common housing code requirements, will outline a complaint  
10 procedure for alleged code violations and the brochure will note that in accordance with state law  
11 an owner or representative cannot retaliate against a complaining tenant.

12 Section 17. That Section 5.38.090 of the Lincoln Municipal Code be amended to read as  
13 follows:

14 **5.38.090 Bedding and Register Requirement for Motels, Hotels, and ~~Rooming and Lodging~~  
15 ~~Houses.~~**

16 Every permittee for a hotel, motel, or rooming house shall provide and keep in such rental  
17 dwelling~~house~~ a register for the signing and recording of the names of all persons staying in such  
18 rental dwelling~~house~~. Such register shall at all times be available for inspection by the Building  
19 Official. It shall be unlawful for such permittee, officers, agents, or employees to fail or refuse to  
20 require any person stopping at such rental dwelling~~house~~ to register; and further, it shall be  
21 unlawful for any person accepting or occupying accommodations in such rental dwelling~~house~~ to  
22 fail or refuse to sign such register.

23 All beds, mattresses, pillows, and bed clothing furnished and maintained by a permittee shall  
24 at all times be kept clean and be kept free from vermin. All sheets and pillow slips shall be washed

1 and ironed before they are used by another tenant or guest. This section shall not apply to  
2 apartment [rental dwellings](#)houses.

3 Section 18. That Section 5.38.100 of the Lincoln Municipal Code be amended to read as  
4 follows:

5 **5.38.100 Condition of Premises.**

6 The permittee shall keep such registered [rental dwelling](#)house and premises in a clean,  
7 sanitary, healthful, and safe condition at all times and shall not permit any condition to exist in or  
8 upon such premises that shall constitute a fire hazard, and such [rental dwelling](#)house shall be  
9 equipped with suitable and adequate sanitary toilet facilities.

10 Section 19. That Section 5.38.110 of the Lincoln Municipal Code be amended to read as  
11 follows:

12 **5.38.110 Penalty for Violations.**

13 Any person upon whom a duty is placed by the provisions of this chapter who shall fail,  
14 neglect, or refuse to perform such duty, or who shall violate any of the provisions of this chapter,  
15 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum  
16 not to exceed \$500.00, or be imprisoned in the county jail for a period not to exceed six months,  
17 or both, except that each person so convicted shall be fined in a sum of not less than \$200.00 for  
18 the first offense, not less than \$300.00 for a second offense, and not less than \$400.00 for the third  
19 offense and each offense thereafter. Each day that a violation of this ordinance continues shall  
20 constitute a separate and distinct offense and shall be punishable as such. [The City Law](#)  
21 [Department is authorized to take such other actions as allowed by law to enforce this Chapter.](#)

22 Section 20. That Sections 5.38.010; 5.38.020; 5.38.030; 5.38.040; 5.38.045; 5.38.050;  
23 5.38.065; 5.38.070; 5.38.075; 5.38.080; 5.38.085; 5.38.090; 5.38.100; and 5.38.110 of the Lincoln  
24 Municipal Code as hitherto existing be and the same are hereby repealed.



1           Section 21. This ordinance shall be published, within fifteen days after the passage hereof,  
2 in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the  
3 official bulletin board of the City, located on the wall across from the City Clerk’s office at 555 S.  
4 10<sup>th</sup> Street, in lieu and in place of the foregoing newspaper publication with notice of passage and  
5 such posting to be given by publication one time in the official newspaper by the City Clerk. This  
6 ordinance shall take effect and be in force from and after its passage and publication or after its  
7 posting and notice of such posting given by publication as herein and in the City Charter provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2019:

\_\_\_\_\_  
Mayor