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## **CHAPTER 9 – BUILDING REGULATIONS**

### **Article 1 – Building Inspector**

#### **SECTION 9-101: POWERS AND AUTHORITY**

The City Council shall appoint a building inspector, who shall be the city official having the duty of enforcing all building and housing regulations as herein prescribed. The nuisance officer designated in Sections 3-504 or 3-602 or another person may be appointed as building inspector. The duties of the building inspector shall be as follows:

A. He or she shall have the authority to carry out the duties as stated in the Dangerous Buildings Regulations in Chapter 3, Article 6, Section 3-602 herein.

B. He or she shall inspect all buildings repaired, altered, built, or moved in the city as often as necessary to insure compliance with all city ordinances and is authorized, upon properly identifying himself, to enter, inspect, survey, and investigate between the hours of 8:00 a.m. and 5:00 p.m. or at any time if an emergency exists or if requested by the owner or occupant thereof. He or she shall also investigate all complaints, whether verbal, written, or in the form of a petition, alleging and charging that a violation of the municipal ordinances exists and that a building or structure is unfit or unsafe for human habitation.

C. He or she shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He or she shall, at the direction of the City Council, issue permission to continue any construction, alteration, or relocation when the council is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one hour. The building inspector or his or her agent shall serve such written order.

D. He or she shall have no financial interest in the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, except where he or she is the owner; and he or she shall not act as an agent for any said dealer or as an agent for the sale, lease, or rental of any real estate.

E. He or she shall keep records of all complaints received, inspection reports, orders, and complaints issued, which shall be available for public inspection.

F. He or she shall report to the City Council as often as may be deemed necessary and shall have such other duties and issue such permits as the council may direct.

#### **SECTION 9-102: RIGHT OF ENTRY**

It shall be unlawful for any person to refuse to allow the building inspector entry into any building or structure where the work of construction, alteration, repair, or relocation

is taking place at any reasonable hour for the purpose of making official inspections.

### **SECTION 9-103: TIME OF INSPECTION**

A. The building inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the work fails to comply with the requirements of the municipal code:

1. Foundation inspection shall be made after trenches are excavated and the necessary forms erected;
2. Frame inspection shall be made after the roof, framing, fire-blocking, and backing are in place and all pipes, chimneys, and vents are complete; and
3. Final inspection shall be made after the building is completed and ready for occupancy.

B. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

### **SECTION 9-104: APPEAL FROM DECISION**

In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the building inspector, that the time allowed for compliance with any order of the building inspector is too short, or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and by the building inspector, the owner, his or her agent, or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The City Council shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation are assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to both the building inspector and the applicant.

### **SECTION 9-105: BARRICADES AND LIGHTS**

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the city to have all excavations, open basements, building materials, and debris protected by suitable guards or barricades

by day and by warning lights at night during the time that such work is in progress. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this section and the building inspector shall stop all work until guards are erected and maintained as required.



## Article 2 – Building Permits

### SECTION 9-201: APPLICATION

A. Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building or dwelling or cause the same to be done shall file with the city clerk an application for a building permit. The application shall be in writing on a form to be furnished by the clerk. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner and contractor, and such other information as may be requested thereon.

B. The application, plans, and specifications filed with the city clerk shall be checked and examined by the public works director and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, along with the setback required by the zoning regulations, the director shall authorize the city clerk to issue the said applicant a permit upon payment of the permit fee set by resolution of the City Council and kept on file in the office of the city clerk. Standard permit fees shall, however, apply only in the case of on-time (before construction) filings. Any application filed after construction has commenced shall pay a fee that is four times the standard fee.

C. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.

(Neb. Rev. Stat. §§17-130 through 17-132, 17-550, 17-1001)

### SECTION 9-202: LIMITATION

If the work for which a permit has been issued shall not have begun within six months of the date thereof, if the construction is discontinued for a period of six months, or if work has not been completed within two years from the date of issuance, the permit shall be void. Before work can be started or resumed, a new permit shall be obtained in the same manner and form as an original permit.

### SECTION 9-203: DUPLICATE TO COUNTY ASSESSOR

Whenever a building permit is issued for the erection, alteration, or repair of any building within the city's jurisdiction and the improvement is ~~\$1,000.00~~ \$2,500.00 or more, a duplicate of such permit shall be filed with the county assessor by the city clerk. (Neb. Rev. Stat. §18-1743)

### SECTION 9-204: VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit to construct or repair a building

within the corporate limits and zoning jurisdiction of the city has been issued as provided in this article, to vary in any manner from the plans and specifications submitted to the City Council in the construction or repair authorized, so that such construction or repair fails to conform to city ordinances.

**SECTION 9-205: DESTRUCTION; BOND REQUIREMENT**

It shall be the duty of the owner, lessee or tenant intending the destruction of any building or improvement to post a \$1,000.00 cash bond with the city clerk prior to such destruction. Such bond will be refunded upon payment of all damages to city property occasioned by such destruction and any cleanup work resulting therefrom. In the event that a nuisance remains on the site for more than six months after the issuance of the building permit, then the bond shall be forfeited and shall be applied to offset the cleanup by the city.

**SECTION 9-206: BUILDING WITHOUT PERMIT; NUISANCE**

Every building or other structure hereafter erected, remodeled or moved into or within said city without a permit as herein required or which is not constructed, remodeled or located in accordance with the permit granted and issued therefor shall be deemed and considered to be a public nuisance and may be abated or removed by the city at the expense of the owner.



## Article 3 – Building Moving

(Neb. Rev. Stat. §§60-6,288 to 60-6,294, 60-6,296)

### SECTION 9-301: DEFINITIONS

"Building" shall mean a structure designated, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, industrial, institutional, assembly, educational or recreational purposes. A structure with the following dimensions or less shall not fall within this definition: 10 feet wide, 20 feet long, and, when in a position to move, 15 feet high.

### SECTION 9-302: PERMIT REQUIRED; APPLICATION

No person shall move any building over, along or across any highway, street or alley in the city without first obtaining a permit from the city clerk. Application shall be made upon a form provided by the city and then filed with the city clerk. Upon approval of the City Council, the city clerk shall issue the said permit.

A. The application shall set forth:

1. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
2. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the city;
3. A legal description of the lot to which the building is to be moved, giving lot, block and tract number, if located in the city;
4. The portion of the lot to be occupied by the building when moved;
5. The highways, streets and alleys over, along or across which the building is proposed to be moved;
6. Proposed moving date and hours; and
7. Any additional information which the City Council shall find necessary for a fair determination of whether a permit should be issued.

B. The following documents shall accompany the said application:

1. *Tax Certificate*. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any encumbrances and that all taxes and any city

charges against the same are paid in full.

2. *Certificate of Ownership or Entitlement.* The applicant, if other than the owner, shall file with the application a written statement of bill of sale signed by the owner or other sufficient evidence that he or she is entitled to move the building.
3. *Liability Policy.* The applicant shall file with the application a certificate of insurance providing coverage for both personal injury and property damage which might occur during the moving of said building. The minimum amount of coverage allowable shall be \$10,000.00 property damage coverage and \$10,000.00 personal injury coverage. The City Council may require coverage in greater amounts if deemed necessary.
4. *Fee.* The application shall be accompanied by a permit fee in the amount as set by resolution of the City Council and kept on file at the office of the city clerk.

### **SECTION 9-303: DUTIES OF PERMITTEE**

Every permittee under this article shall:

- A. Notify all utility companies, including the city, to cancel their services;
- B. See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office;
- C. Notify the city clerk in writing if a change in moving date and hours are desired, different from those proposed in the application;
- D. Move the building only over streets designated for such use in the written permit;
- E. If the building must stand on the street during the night, cause red lights to be displayed on all sides and barricades erected across the affected street;
- F. Remove the building from the city streets after four days of such occupancy unless an extension is granted by the mayor and City Council;
- G. Within ~~ten~~ five days from the removal of the building, remove all rubbish and materials and fill all excavations to existing grade at the original site so that the premises is left in a safe and sanitary condition;
- H. Comply with the construction codes as adopted in Article 4 herein, the fire zone and any zoning ordinances now existing or hereinafter adopted and all other applicable ordinances and laws, if any, if relocating the building in the city.

**SECTION 9-304: MAINS, PIPES, POLES, WIRES, ETC.**

A. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the city, notice in writing of the time and route of the said building moving operation shall be given to the public works director, who shall proceed on behalf of the city and at the expense of the mover to make such disconnections and do such work as is necessary.

B. Whenever the moving of any building necessitates interference with power poles and wires, gas mains, pipelines, and other appurtenances belonging to any franchisee, the company or companies owning, using, or operating the said appurtenances shall, upon proper notice of at least 48 hours, be present and assist by disconnecting the said poles, wires, gas mains, pipelines, and other appurtenances relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise.

**SECTION 9-305: COMPLETION OF MOVE**

At such time as the building moving has been completed, the public works director or building inspector shall inspect the premises and report to the city clerk as to the extent of damages, if any, resulting from the said relocation and whether any city laws have been violated during the said operation. Upon a satisfactory report from the building inspector, the clerk shall return the corporate surety bond, cash, or check deposited by the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered or in a clean and sanitary condition, the City Council may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit, the council may recover such excess expense by civil suit or otherwise as prescribed by law.

**SECTION 9-306: NO GENERAL LICENSE**

There shall be no license issued or general permit given to anyone to move buildings at will or generally within the city.



## **Article 4 – Codes Adopted**

### **SECTION 9-401: BUILDING CODE; ADOPTED BY REFERENCE**

The International Building Code (IBC), most recent edition, published by the International Code Council, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the IBC shall be controlling throughout the city and throughout its zoning jurisdiction. If requested, the city clerk shall provide a source for obtaining a copy of the said building code. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

### **SECTION 9-402: PLUMBING CODE; ADOPTED BY REFERENCE**

The Uniform Plumbing Code, most recent edition, published by the International Association of Plumbing and Mechanical Officials, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the Plumbing Code shall be controlling throughout the city and throughout its zoning jurisdiction. If requested, the city clerk shall provide a source for obtaining a copy of the said plumbing code. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

### **SECTION 9-403: ELECTRICAL CODE; ADOPTED BY REFERENCE**

The National Electrical Code, most recent edition, as recommended by the National Fire Protection Association, is hereby adopted and incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the electrical code shall be controlling throughout the city and throughout its zoning jurisdiction. If requested, the city clerk shall provide a source for obtaining a copy of the said electrical code. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

### **SECTION 9-404: MECHANICAL CODE; ADOPTED BY REFERENCE**

The Uniform Mechanical Code, most recent edition, published by the International Association of Plumbing and Mechanical Officials, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the Mechanical Code shall be controlling throughout the city and throughout its zoning jurisdiction. If requested, the city clerk shall provide a source for obtaining a copy of the said mechanical code. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

### **SECTION 9-405: RESIDENTIAL CODE; ADOPTED BY REFERENCE**

The International Residential Code for One- and Two-Family Dwellings, most recent edition, published by the International Code Council, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the Residential Code shall

be controlling throughout the city and throughout its zoning jurisdiction. If requested, the city clerk shall provide a source for obtaining a copy of the said residential code. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

## **Article 5 – Penal Provision**

### **SECTION 9-501: VIOLATION: PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.