

CHAPTER VIII - BUILDING REGULATIONS

ARTICLE I - BUILDING REGULATIONS

- 8-101 BUILDING INSPECTOR; POWERS AND AUTHORITY
- 8-102 BUILDING INSPECTOR; RIGHT OF ENTRY
- 8-103 BUILDING PERMITS REQUIRED; APPLICATION, ISSUANCE
- 8-104 BUILDING PERMIT; DUPLICATE OF COUNTY ASSESSOR
- 8-105 BUILDING PERMIT; VARIANCE NOT PERMITTED
- 8-106 BUILDING PERMIT; TIME OF INSPECTION
- 8-107 PERMIT LIMITATION
- 8-108 BOND REQUIREMENT
- 8-109 BUILDING WITHOUT PERMIT; NUISANCE
- 8-110 UNIFORM CODES; ADOPTED BY REFERENCE

ARTICLE II - MOVING BUILDINGS

- 8-201 TERMS DEFINED
- 8-202 PERMIT REQUIRED
- 8-203 APPLICATION
- 8-204 INTERFERENCE
- 8-205 DUTIES OF PERMITTEE
- 8-206 NO GENERAL LICENSE

ARTICLE III - UNSAFE BUILDINGS

- 8-301 DEFINITION
- 8-302 PROHIBITION
- 8-303 DETERMINATION AND NOTICE
- 8-304 HEARING AND APPEAL
- 8-305 EMERGENCY
- 8-306 SPECIAL ASSESSMENTS

ARTICLE IV - PENAL PROVISION

- 8-401 VIOLATION; PENALTY

CHAPTER VIII - BUILDING REGULATIONS

ARTICLE I - BUILDING REGULATIONS

SECTION 8-101: BUILDING INSPECTOR; POWERS AND AUTHORITY

The City shall have the right to appoint a building inspector. If a building inspector is appointed, he/she shall be the city official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He/she shall inspect all buildings repaired, altered, built, moved or demolished in the City as often as necessary to ensure compliance with all city ordinances. He/she shall have the power and authority to order,

at the direction of the City Council, all work stopped on any construction, alteration or relocation which violates any provisions prescribed herein. He/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. Such written order may be served by any peace officer.

SECTION 8-102: BUILDING INSPECTOR; 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, for the purpose of making official inspections at any reasonable hour.

SECTION 8-103: BUILDING PERMITS REQUIRED; APPLICATION, ISSUANCE

Any person desiring a building permit to commence or proceed to erect, construct, repair, relocate or destroy any building or dwelling or cause the same to be done, including but not limited to a lawful burning pursuant to Neb. Rev. Stat. §28-506, shall file with the city clerk, for consideration by the City Council, an application therefor on a form to be furnished by the city clerk before proceeding with the work. 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, architect and contractor, and such other information as may be requested thereon. The application, plans and specifications so filed with the city clerk shall be checked and examined by the City Council and if they are found to be in conformity with the provisions of the ordinances of the City, the City Council 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. (Neb. Rev. Stat. §18-1743)

SECTION 8-104: BUILDING PERMIT; 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 or more, a duplicate of such permit shall be issued to the county assessor. (Neb. Rev. Stat. §18-1743)

SECTION 8-105: BUILDING PERMIT; VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit to construct or repair a building within the corporate limits of the City is 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 shall not conform to the ordinances of the City.

SECTION 8-106: BUILDING PERMIT; TIME OF INSPECTION

1. If appointed the building inspector, upon notification from the permit holder or his/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/her agent that the work fails to comply with the requirements of the municipal code:

A. Foundation inspection shall be made after trenches are excavated and the

necessary forms erected;

- B. Frame inspection shall be made after the roof, framing, fire-blocking and backing is in place and all pipes, chimneys and vents are complete; and
- C. Final inspection shall be made after the building is completed and is ready for occupancy.

2. 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 8-107: PERMIT LIMITATION

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

2. Notwithstanding the foregoing to the contrary, if the City declines to issue a building permit under subsection (1) above, the City may, in its sole discretion, elect to issue a short-term building permit under this subsection (2), which shall expire automatically upon three months upon the issuance thereof. Any temporary permit issued hereunder may be extended for up to three additional months, in the City's discretion.

(Am. Ord. No. 1074, 10/6/14)

SECTION 8-108: 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. This bond will be refunded upon payment of all damages to city property occasioned by such destruction and any cleanup work resulting from such destruction. In the event that a nuisance remains on the building permit 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 8-109: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within the City without a permit therefor, 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. Any individual, company, corporation, limited liability company, contractor or subcontractor, including but not limited to any electrician, plumber, builder or other service provider that conducts work on any project that would have required a permit but no permit was held by the owner at the time said work was performed shall be subject to a \$250.00 fine. (Am. Ord. No. 1107, 3/7/16)

SECTION 8-110: UNIFORM CODES; ADOPTED BY REFERENCE

- 1. The following official codes, in their present form and as they may hereafter be

amended, are hereby designated as Uniform Codes and are incorporated by reference when the same are applicable to the City:

- A. International Building Code (UBC, 2000 Edition)
- B. International Residential Code (2000 Edition)
- C. International Property Maintenance Code (2015 Edition)

2. Whenever a new edition of one of the above codes is published, the same shall be considered the building code for the City. One copy of each such code shall be filed in the office of the city clerk and shall be available for public inspection during office hours.

(Am. Ord. Nos. 915, 5/4/04; 1115, 6/7/16)

ARTICLE II - MOVING BUILDINGS

SECTION 8-201: TERMS DEFINED

"Building" is 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 8-202: PERMIT REQUIRED

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.

SECTION 8-203: APPLICATION

Any person seeking issuance of a permit hereunder shall file an application for such permit with the city clerk. Upon approval of the City Council, the city clerk shall then issue the said permit.

1. *Form.* The application shall be made in writing upon forms provided by the city clerk and shall be filed in the office of the city clerk.

2. *Contents.* The application shall set forth:

- A. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
- B. 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;
- C. A legal description of the lot to which the proposed such building be removed, giving lot, block and tract number, if located in the City;
- D. The portion of the lot to be occupied by the building when moved;

- E. The highways, streets and alleys over, along or across which the building is proposed to be moved;
- F. Proposed moving date and hours;
- G. Any additional information which the City Council shall find necessary to a fair determination of whether a permit should be issued.

3. *Accompanying Papers.*

- A. *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 entanglements and that all taxes and any city charge against the same are paid in full.
- B. *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/she is entitled to move the building.

4. *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 they deem it to be necessary.

5. *Fee.* The application shall be accompanied by a permit fee in the amount of \$25.00 which shall be paid over by the city clerk to the city treasurer, who shall credit it to the general fund.

SECTION 8-204: INTERFERENCE

Whenever it shall be necessary for any permittee in moving a building to interfere with any electric, telephone or telegraph poles or wires, the public service company or companies owning, using or operating such poles or wire shall, upon such notice as is provided in their respective franchises, or if no provisions for notice is made therein, then upon 48 hours notice, be present and assist, or, if necessary remove such poles and wires; and the expense of said removal, as estimated, shall be paid in advance by applicant, unless it is otherwise provided in said companies' franchises. Whenever the moving of any building necessitates interference with any water main or sewer main belonging to the City, notice in writing of the time and route of such building moving operations shall be given to the building inspector of the City, who shall proceed in behalf of the city marshal as the managing officers or public service companies are required to proceed in the premises in behalf of the companies. The notice herein provided for shall be given to said city official or public service company or companies, as the case may be, by the licensed house mover.

SECTION 8-205: DUTIES OF PERMITTEE

Every permittee under this ordinance shall:

1. *Use Designated Streets.* Move a building only over streets designated for such use in the written permit.

2. *Notify of Revised Moving Time.* Notify the city clerk in writing of a desired change in moving date and hours as proposed in the application.

3. *Notify of Damage.* Notify the city clerk in writing of any and all damage done to property belonging to the City within 24 hours after the damage or injury has occurred.

4. *Display Lights.* Cause red lights to be displayed during the night time on every side of the building, while standing on the street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building.

5. *Observe Street Occupancy Period.* Remove the building from the city streets after four days of such occupancy, unless an extension is granted by the mayor and the City Council.

6. *Comply with Governing Law.* Comply with the building code, the fire zone, and any zoning ordinances now existing or hereinafter adopted and all other applicable ordinances and laws, if any upon relocating the building in the City.

7. *Clear Old Premises.* Within ten days from the removal of the building, the permittee shall remove all rubbish and materials and fill all excavations to existing grade at the original site so that the premises are left in a safe and sanitary condition.

8. *Remove Services Connections.* See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to remove their services.

SECTION 8-206: 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 III - UNSAFE BUILDINGS

SECTION 8-301: DEFINITION

The term "unsafe building" as used in this article is hereby defined to mean and include any building, shed, fence or other man-made structure (1) which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures; (2) which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard; and/or (3) which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of such structure. Any such unsafe building in the City is hereby declared to be a nuisance. (Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

SECTION 8-302: PROHIBITION

It shall be unlawful to maintain or permit the existence of any unsafe building in the City and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy such building or permit it to be occupied while it is in an unsafe condition. (Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

SECTION 8-303: DETERMINATION AND NOTICE

Whenever the building inspector, fire chief, health official or the City Council shall be of the opinion that any building or structure in the City is an unsafe building, he/she shall file a written statement to this effect with the city clerk. The clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of such determination in the office of the county register of deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. Such notice shall state that the building has been declared to be in an unsafe or dangerous condition; and that such condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied within 60 days from the date of receipt. Such notice may be in the following terms:

"To: _____ (owner-occupant of premises) of the premises known and described as _____:

"You are hereby notified that _____ (describe building) on the premises above-mentioned has been determined to be an unsafe or dangerous building and a nuisance after inspection by _____.

"The causes for this decision are: (here insert the facts as to the dangerous condition). You must remedy this condition or demolish the building within 60 days from the date of receipt of this notice or the City shall proceed to do so. Appeal of this determination may be made to the City Council, acting as the Board of Appeals, by filing with the city clerk within ten days from the date of receipt of this notice a request for hearing."

If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that an unsafe or dangerous building exists within ten days from the time when this notice is served upon such person by personal service or certified mail, the building inspector may, upon orders of the City Council, proceed to remedy the condition or demolish the unsafe or dangerous building. (Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

SECTION 8-304: HEARING AND APPEAL

Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may in writing to the city clerk request a hearing before the City Council, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The City Council shall grant such hearing within ten days from the date of receiving the request. A written notice of the decision by the City Council following the hearing shall be sent to the property owner by certified mail. If the City Council rejects the appeal, the owner shall have five days from the sending of the deci-

sion to begin repair or demolition and removal. If after the five day period the owner has not begun work, the City shall proceed to cause such work to be done; provided, the property owner may appeal such decision to the appropriate court for adjudication, during which proceedings the decision of the City Council shall be stayed. Should building and other codes adopted by the City fail to specifically cover such matters, the statutes of Nebraska relating to bonded indebtedness and collection of delinquent taxes shall apply. (Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

SECTION 8-305: EMERGENCY

Where any unsafe building or structure poses an immediate danger to the health, safety or general welfare of any person, and the owner fails to remedy the situation in a reasonable time after notice by the building inspector to do so, the City may summarily repair or demolish and remove such building or structure.

SECTION 8-306: SPECIAL ASSESSMENTS

In case the owner of any building or structure shall fail, neglect or refuse to comply with notice by or on behalf of the City to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the City may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the City Council, which is authorized to levy the cost as a special assessment against the land. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments. (Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01, 77-1725)

ARTICLE IV - PENAL PROVISION

SECTION 8-401: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, whether set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of 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.