

# Chapter 4

## Business Regulations

### Article IV – Building Regulations

#### **SECTION 4-401 BUILDING PERMITS; WHEN REQUIRED; REQUIREMENTS**

Any person desiring to commence or proceed to erect, construct, demolish, relocate, or make repairs or improvements in the amount of \$2,500.00 or more to any building used for commercial purposes and in the amount of \$5,000.00 or more to any building used for non-commercial purposes, or cause the same to be done, shall file with the Village Board of Trustees an application for a building permit. For purposes in this section, a “building” is defined as a structure of 100 square feet or more in size, with a foundation. The application shall be in writing on a form to be furnished by the Village Board of Trustees for that purpose. Every such application shall set forth the legal description of the land upon which the construction, improvement, 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, the plans and specifications of the project, and such other information as may be requested thereon. The application, plans, and specifications so filed with the Village Board of Trustees shall be checked and examined by the building inspector, and if they are found to be in conformity with the requirements of this Chapter, the building inspector shall recommend that the Village Board of Trustees issue the applicant a permit upon payment of a permit fee as set forth by resolution of the Board of Trustees; the resolution may provide a different permit fee for buildings used for commercial purposes than for buildings used for non-commercial purposes.

#### **SECTION 4-402 DUPLICATE TO COUNTY ASSESSOR**

When a building permit is required and issued pursuant to section 4-401, the Village Clerk shall forward to the County Assessor a duplicate of any such permit. (Neb. Rev. Stat. § 18-1743).

#### **SECTION 4-403 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 thereto within the Village to have during such work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day and by warning lights at night. The failure, neglect, or refusal of such persons to erect such guards shall constitute a violation of this section, and the Village police or building inspector shall stop all work until guards are erected and warning lights installed as required.

#### **SECTION 4-404 BUILDING WITHOUT PERMIT**

Every building or improvement thereto hereafter erected, constructed, remodeled or repaired, or moved into or within the Village without a permit when required pursuant to section 4-401 of this Chapter, or which is not constructed, remodeled, or located in accordance with the permit granted and issued, shall be deemed and considered to be a public nuisance and may be abated or removed by the Village at the expense of the owner.

#### **SECTION 4-405 PERMIT LIMITATION**

If the work for which a permit has been issued is not begun within six (6) months from the date of issuance, or if the construction or repair shall be discontinued for a period of six (6) months, the permit shall be void. Before such work may recommence, a new permit shall be obtained in the same manner and form as an original permit.

#### **SECTION 4-406 BUILDING DESTRUCTION; BOND REQUIRED**

It shall be the duty of the owner, lessee, or tenant intending the destruction of any building to post \$5,000.00 cash or cash bond with the Village Clerk prior to such destruction. This will be refunded upon payment of all damages to Village property occasioned by such destruction and any cleanup work resulting from such destruction. In the event a nuisance remains on the destruction site for more than three (3) months after the issuance of the building permit, then the bond shall be forfeited and applied to offset the cleanup by the Village. For the purposes of this section, a “building” is defined as a structure of 100 square feet or more in size, with a foundation.

#### **SECTION 4-407 BUILDING INSPECTOR; POWER AND AUTHORITY**

The building inspector shall be the municipal official who shall have the duty of enforcing this Chapter and any building and housing regulations and standards the Village Board of Trustees may adopt. He or she shall inspect all buildings repaired, altered, built, or moved into the Village in order to ensure compliance with this Chapter and any building and housing regulations the Village Board of Trustees may adopt. He or she shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates this Chapter and any building and housing regulations and standards adopted by the Board of Trustees, and to permit any construction, alteration, or relocation to proceed when satisfied no provision of this Chapter will be violated. The building inspector may consult with building, electrical, plumbing, and other professionals of his choosing in carrying out the functions of his office. In the event that the Board of Trustees does not appoint a building inspector, the Village police chief shall be the building inspector ex officio.

#### **SECTION 4-408 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 when the work or construction, alteration, repair, or relocation is taking place for the purpose of making official inspections.

#### **SECTION 4-409 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 or the occupant may file a notice of appeal within ten (10) days after the decision or order of the building inspector has been made. The Board of Trustees 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 is assured and may include conditions not generally specified by this Chapter to achieve that end. A copy of any variance granted shall be sent to the building inspector and the applicant.

**SECTION 4-410 PLUMBING CODE; ADOPTED BY REFERENCE**

To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation or plumbing, the 2009 Uniform Plumbing Code accredited by the American National Standards Institute shall serve as the plumbing code for all the area within the jurisdiction of the Village. (Neb. Rev. Stat. § 18-132).