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## **CHAPTER 9 – BUILDING REGULATIONS**

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

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

The Village Board shall appoint a building inspector, who shall be the village official having the duty of enforcing all building and housing regulations as herein prescribed. The village engineer or another person experienced in building construction practices may be appointed as building inspector. The Village Board shall also have the power to contract said duties with another governmental subdivision whenever it deems the appointment of a resident building inspector impractical. 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 5 of this Municipal Code.

B. The building inspector may consult with building, electrical, plumbing, and other professionals of his or her choosing in carrying out the functions of the office.

C. He or she shall inspect all buildings repaired, altered, built, or moved in the Village as often as necessary to insure compliance with all village ordinances and is authorized, upon properly identifying himself or herself, 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.

D. 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 Village Board, issue permission to continue any construction, alteration, or relocation when the board 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 the building inspector.

E. 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.

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

G. He or she shall report to the Village Board as often as may be deemed necessary and shall have such other duties and issue such permits as the board may direct.  
(Am. Ord. No. 2014-1, 1/14/14)

## **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, for the purpose of making official inspections, at any reasonable hour. (Am. Ord. No. 2014-1, 1/14/14)

## **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 Village Board 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. (Am. Ord. No. 2014-1, 1/14/14)

#### **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 Village 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 village police or building inspector shall stop all work until guards are erected and maintained and warning lights installed as required. (Am. Ord. No. 2014-1, 1/14/14)

### **Article 2 – Building Permits**

#### **SECTION 9-201: APPLICATION**

A. For purposes of this section, a “building” is defined as a structure of 100 square feet or more in size with a foundation.

B. 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 noncommercial purposes or cause the same to be done shall file with the Village Board an application for a building permit.

C. The application shall be in writing on a form to be furnished by the Village. 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.

D. The application, plans, and specifications so filed with the board 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 board issue the applicant a permit upon payment of a permit fee as set forth by resolution

of the board and kept on file in the village office. The resolution may provide a different permit fee for buildings used for commercial purposes than for buildings used for non-commercial purposes.

(Neb. Rev. Stat. §§17-130 through 17-132, 17-550, 17-1001) (Am. Ord. No. 2014-1, 1/14/14)

### **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 or if the construction is discontinued for a period of six months, 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. (Am. Ord. No. 2014-1, 1/14/14)

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

Whenever a building permit is issued for the erection, alteration, or repair of any building within the Village's jurisdiction and the improvement is \$2,500.00 or more, a duplicate of such permit shall be filed with the county assessor by the village clerk. (Neb. Rev. Stat. §18-1743) (Am. Ord. No. 2014-1, 1/14/14)

### **SECTION 9-204: VARIANCE NOT PERMITTED**

It shall be unlawful for any person to whom a permit to construct or repair a building is issued, as provided in this article, to vary in any manner from the plans and specifications submitted to the Village Board in the construction or repair authorized, so that such construction or repair does not conform to the ordinances of the Village.

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

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 bond 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 that a nuisance remains on the destruction site for more than three months after the issuance of the building permit, the bond shall be forfeited and shall be applied to offset the cleanup by the Village. For purposes of this section, "building" is defined as a structure of 100 square feet or more in size with a foundation. (Am. Ord. No. 2014-1, 1/14/14)

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

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 9-201, 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. (Am. Ord. No. 2014-1, 1/14/14)

## **Article 3 – Building Moving**

### **SECTION 9-301: REGULATIONS; PERMIT; FEE; BOND**

A. It shall be unlawful for any person, firm, or corporation to move any building or structure within the Village without a written permit to do so. Application may be made to the village clerk and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the Village Board may require. The application shall be accompanied by (1) a certificate issued by the county treasurer to the effect that all provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which

the said building is presently located; (2) a permit fee set by resolution of the board and kept on file in the office of the village clerk and (3) a bond with good and sufficient surety of \$10,000.00, to be issued on condition, among other things, that said licensee will in all things strictly comply with all the provisions of the ordinances of the Village relating to building moving, and that the licensee will save, indemnify and keep harmless the Village from all liabilities, judgments, costs and expenses which may in any wise accrue against it in consequence of the granting of such license. The licensee shall pay to the Village any and all damages which may be sustained by any pavement, curb, gutter, sidewalk, street or other village property through the moving of such building by the licensee, and the licensee shall pay the owner any and all damages caused in a like manner to any private property in the Village.

B. The clerk shall refer the said application to the Village Board for approval of the proposed route over which the said building is to be moved. Upon said approval, the clerk shall then issue the said permit, which shall limit the time of removal and shall specify the route to be followed in moving the building over and across the streets and public ways of the Village, which shall be the route that least interferes with utility lines in the Village under all circumstances. It shall be unlawful for any such licensee to digress from such time or specified route without permission or written consent of the utilities superintendent.

C. No moving permit shall be required for moving a building that is 10 feet wide or less, 20 feet long or less and, when in a position to move, 15 feet high or less.  
(Neb. Rev. Stat. §§60-6,288 to 60-6,291, 60-6,294, 60-6,298 to 60-6,301)

## **SECTION 9-302: UTILITIES**

A. In the event it will be necessary for any licensed building mover to interfere with poles, wires, gas mains, pipelines, and other appurtenances, the company or companies owning, using, or operating the said appurtenances shall, upon proper notice of at least 24 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.

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

## **SECTION 9-303: LICENSEE; REQUIREMENTS**

It shall be unlawful for any licensee to make any openings or excavations in any street pavement or to set any stakes therein, and it is hereby made a duty of every licensee to move any buildings in a careful manner and with the least possible injury to public or private property. For such injuries or damage, he or she shall be liable on his or her bond. The damage estimate of the shall be final and conclusive upon said licensee.

## **SECTION 9-304: COMPLETION OF MOVE**

At such time as the building moving has been completed, the utilities superintendent or designee shall inspect the premises and report to the village clerk as to the extent of damages, if any, resulting from the said relocation and whether any village laws have been violated during the said operation. Upon a satisfactory report from the utilities superintendent or designee, 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 Village Board 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 board may recover such excess expense by civil suit or otherwise as prescribed by law.

## **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 Village and throughout its zoning jurisdiction. It shall be unlawful to erect or maintain a building or structure within the Village without complying with such regulations as set forth in said code. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

### **SECTION 9-402: 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 of plumbing and heating, the most recent edition of the Uniform Plumbing Code, 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 Village and throughout its zoning jurisdiction. It shall be unlawful to erect or maintain a building or structure within the Village without complying with such regulations as set forth in said code. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922) (Am. Ord. No. 2014-1, 1/14/14)

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

The most recent edition of the National Electrical Code, 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 Village and throughout its zoning jurisdiction. It shall be unlawful to erect or maintain a building or structure within the Village without complying with such regulations as set forth in said code. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

## **Article 5 – Floodplain Management**

### **SECTION 9-501: ADOPTED BY REFERENCE; PURPOSE**

A. A floodplain management ordinance has been adopted to promote the public health, safety, and general welfare and to minimize flood losses by applying its provisions to:

1. Restrict or prohibit construction which is dangerous to health, safety, or property in times of flooding or causes undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

B. Among other provisions, the ordinance regulates floodplain permits, application procedures, standards for construction, and variance procedures. It shall be kept on file in the office of the village clerk.

## **Article 6 – Penal Provision**

### **SECTION 9-601: 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.