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CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Inspector

SECTION 9-101: POWERS AND AUTHORITY

The building inspector shall be the city official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He may be removed at any time for good and sufficient cause by the City Council. The duties of the building inspector shall be as follows:

A. He 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 shall also investigate all complaints, whether verbal, written or in the form of a petition, alleging and charging that a violation of the municipal or-

dinances exists and that a building or structure is unfit or unsafe for human habitation.

B. He 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. He shall have the power and authority to order, at the direction of the council, all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. 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 chairman or designated agent.

C. He 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 is the owner of a building, and he shall not act as an agent for any said dealer or as an agent for the sale, lease or rental of any real estate.

D. He shall keep records of all complaints received, inspection reports, orders, and complaints issued. The records shall be available for public inspection and he shall prepare an annual report based on the records kept. He shall report to the City Council as often as may be deemed necessary.

E. He shall have such other duties and issue such permits as the board 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, for the purpose of making official inspections, at any reasonable hour.

SECTION 9-103: INSPECTIONS

A. The building inspector, upon notification from the permit holder or his 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 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 is 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 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 is 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 chairman or designated agent or the building inspector shall stop all work until guards are erected and maintained as required.

Article 2 – Building Permits

SECTION 9-201: APPLICATION

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 city 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. The application, plans, and specifications so filed with the city clerk shall be checked and examined by the zoning administrator and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the zoning administrator shall authorize the city clerk to issue the said applicant a permit upon the payment of the permit fee set by resolution of the City Council. Standard permit fees shall, however, apply only in the case of on-time (before construction) filings. Any application filed after construction has commenced shall be assessed a fee that is four times the standard fee. 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) (Am. by Ord. No. 686, 11/14/02)

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 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 \$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) (Am. by Ord. No. 698, 6/10/04)

Article 3 – Building Moving

SECTION 9-301: REGULATIONS

A. It shall be unlawful for any person, firm, or corporation to move any building or structure within the City without a written permit to do so. Application may be made to the city 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 City Council may require. The application shall be accompanied by a certificate issued by the county treasurer to the effect that all the 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. The city clerk shall refer the said application to the City Council 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; provided, a good and sufficient corporate surety bond, check, or cash in an amount set by the board and conditioned upon moving said building without doing damage to any private or city property is filed with the clerk prior to the granting of any permit.

B. No moving permit shall be required to move 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.

C. In the event it will be necessary for any licensed building mover to interfere with telephone poles and wires or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the said poles, wires or line 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.

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

SECTION 9-302: COMPLETION OF MOVE

At such time as the building moving has been completed, the 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 city police, 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.

Article 4 – Codes Adopted

(Am. by Ord. No. 740, 11/8/07)

SECTION 9-401: BUILDING CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the 2009 edition of the International Building Code (IBC) published by the International Code Council and printed in book or pamphlet form, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the International Building Code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the International Building Code shall be controlling throughout the city and throughout its zoning jurisdiction.

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 National Plumbing Code, printed in book or pamphlet form, 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. One copy of the National Plumbing Code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the Plumbing Code shall be controlling throughout the city and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922)

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. One copy of the current electrical code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the electrical code shall be controlling throughout the city and throughout its zoning jurisdiction. (Neb. Rev. Stat. §18-132)

SECTION 9-404: HOUSING CODE; ADOPTED BY REFERENCE

The most recent edition of the Uniform Housing Code, printed by International Conference of Building Officials, 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. One copy of the current housing code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the housing code shall be controlling throughout the city and throughout its zoning jurisdiction. (Neb. Rev. Stat. §18-132)

Article 5 – Penal Provisions

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.

SECTION 9-502: ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in this chapter, the city may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Neb. Rev. Stat. §18-1720, 18-1722)