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## **CHAPTER 8 – BUILDING REGULATIONS**

### **Article 1 – International Building Codes**

#### **SECTION 8-101: ADOPTION OF CODES**

The following building codes:

- A. IICC Electrical Code,
- B. International Mechanical Code,
- C. International Plumbing Code,

- D. International Fuel Gas Code,
- E. International Fire Code,
- F. International Private Sewage Disposal Code,
- G. International Property Maintenance Code,

and the latest additions published hereafter, be and hereby are adopted by the City. Hereafter all construction within the City and its zoning area shall be governed by the provisions of such codes.

#### **SECTION 8-102: ENFORCEMENT**

Hereafter all city officials shall be governed by the provisions of the above codes and no building permit shall be issued nor construction approved unless such building permit and construction conforms to such codes.

#### **SECTION 8-103: VIOLATION OF CODES**

Any violation of the building codes adopted shall result in the immediate disconnection of all utilities from any building or structure not conforming to the code provisions and the construction of any building or structure in violation of such codes shall be a misdemeanor punishable as provided in the penal provisions at the end of this chapter.

### **Article 2 – Building Inspector**

#### **SECTION 8-201: POWER AND AUTHORITY; DUTIES**

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

- A. Inspect all buildings repaired, altered, built or moved in the corporate limits of the City and the area of the County within one mile of the corporate limits as often as necessary to insure compliance with all city ordinances.
- B. Have the power and authority to order all work stopped on any construction, alteration or relocation which violates any provisions prescribed herein.
- C. Issue permission to continue any construction, alteration or relocation when satisfied that no provision will be violated.
- D. 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.
- E. Not act as an agent for any said dealer or as an agent for the sale, lease or rental of any real estate.
- F. Investigate all complaints, whether verbal, written, or in the form of a petition alleging and charging that a violation of the city ordinances exists and that a building or structure is unfit or unsafe for human habitation. He is au-

thorized, 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 keep records of all complaints received and of inspection reports, orders and complaints issued. The records shall be available for public inspection and he shall prepare an annual report including statistics based on the records kept.

G. Report to the City Council as often as may be deemed necessary.

H. Have such other duties as the Council may direct.

(Am. by Ord. No. 813, 8/7/90)

## **SECTION 8-202: 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 8-203: INSPECTION STAGES**

The building inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of a 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: (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 ready for occupancy. 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 8-204: 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 the building inspector, then 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 sit and act as the Board of Adjustment 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. Any application 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 8-205: BARRICADES**

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 during such work all excavations, open basements, building materials and debris protected by suitable guards or barricades. The failure, neglect or refusal of said persons to erect such guards shall constitute a violation of this section and the city police or the building inspector shall stop all work until guards are erected and maintained as required.

## **Article 3 – Building Permits**

### **SECTION 8-301: APPLICATION; FEES**

Any person desiring to commence or proceed to erect, construct, repair, enlarge, change the dimensions, demolish or relocate any building or dwelling or cause the same to be done within the city limits or in the county area within one mile of the city limits shall file with the city clerk an application for a building permit. No building permit shall be required for any structure that is 10 feet by 15 feet or less or for any deck or non-enclosed patio attached to a home. The application shall be in writing on a form to be furnished by the city clerk. Each applicant 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, a sketch, picture or blueprint of the proposed construction, and such other information as may be requested thereon. In addition, the applicant shall cause the boundaries of the land and location of the proposed project to be accurately staked out. The application, plans and specifications so filed with the city clerk shall be checked and examined by the building inspector, who shall make an on-site inspection of the land involved in the proposed project. If they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the building inspector shall issue the said applicant a permit upon the payment of a fee which shall be set from time to time by resolution of the City Council.

(Neb. Rev. Stat. §17-130 through 17-132, 17-550, 17-100) (Am. by Ord. Nos. 486-A, 1/3/78, 522, 11/6/79; 725, 8/84/87; 813, 8/7/90)

### **SECTION 8-302: 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 8-303: DISPLAY OF PERMIT**

All building permits issued in accordance with the foregoing provisions of Sections 8-301 and 8-302 shall be prominently displayed in plain view and protected from weather within the front 20 feet of the lot or parcel of land upon which work is to be done in accordance with the terms of the permit from the time of issuance of said permit until completion of all work being done in accordance with the terms of said permit. (Ord. No. 486-A, 1/3/78)

## **SECTION 8-304: NEW CONSTRUCTION; SIDEWALKS REQUIRED**

A. If the building permit application is for new construction, including moving in any type of previously constructed or modular home, sidewalks shall be constructed in accordance with sidewalk standards and specifications set forth by the city engineer and approved by resolution of the City Council on all lots fronting a street, including both street sides of a corner lot, by the owner prior to the time of completion of the main structure(s) on said lot(s). The following shall be exempt and shall not require sidewalks: (1) garages; (2) any addition less than half the size of the original structure; (3) allowed outbuildings; or (4) on real estate outside the city limits but within the one mile jurisdiction of the City and which is not subdivided for development or suitable for sale of additional tracts.

B. Prior to the issuance of a building permit, if a variance/exemption has been granted by the City Council or building inspector from the immediate construction of a sidewalk, the owner shall execute an agreement to later construct the required sidewalk pursuant to the agreement.

(Ord. Nos. 1047, 4/1/97; 1178, 7/16/01)

## **Article 4 – Moving Buildings**

### **SECTION 8-401: REGULATIONS**

A. It shall be unlawful for any person, firm or corporation to move any building or structure within the City without first obtaining a written permit to do so. Application shall be made in writing 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, the number of rooms therein 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, including the payment of all taxes or special assessments and the payment of the pro rata share of bonded indebtedness of the City, including for school districts therein, pursuant to state statutes governing collection of taxes; a photograph accurately depicting the present condition of said building; a termite inspection certificate covering the building and its present location; and a detailed plan showing proposed exterior remodeling of the building and future location subsequent to moving. The applicant, if other than the owner, shall also furnish good and sufficient evidence of his or her authority to move said building.

B. The city clerk shall refer the said application to the building inspector for inspection and report to the City Council. Upon approval of the Council, the city clerk shall then issue the said permit, provided that all fees and deposits as set forth below have been paid or provided. The permit shall expire six months from its date of issuance. In the event that the building has not been moved within such six-month period, a new application must be made with the city clerk and all of the terms set forth above complied with before issuance of a new permit.

(Neb. Rev. Stat. §77-1725) (Am. by Ord. Nos. 527, 11/6/79; 725, 8/4/87)

## **SECTION 8-402: FEE AND DEPOSIT**

A. Prior to the granting of any permit, the applicant shall have paid to the City a fee in an amount set from time to time by resolution of the City Council and provided to the City a good and sufficient corporate surety bond, check or cash in an amount set by motion of the Council and conditioned upon moving said building without doing damage to any private or municipal property. 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 building inspector, the city clerk shall return the corporate surety bond, cash or check deposited by the applicant.

B. 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 set by resolution of the City Council, as required herein, the City Council may recover such excess expense by civil suit or otherwise as prescribed by law.  
(Am. by Ord. No. 725, 8/4/87)

## **SECTION 8-403: EXEMPTION**

No moving permit shall be required to move a building that is 10 feet wide or less and 20 feet long or less and, when in a position to move, 15 feet high or less. Also, no moving permit will be required for mobile homes that are being moved into or out of licensed mobile home parks of the City. (Ord. No. 725, 8/4/87) (Am. by Ord. No. 830, 4/2/91)

# **Article 5 – Demolition of Buildings**

## **SECTION 8-501: REGULATIONS**

It shall be unlawful for any person, partnership, corporation or other legal entity to tear down or demolish any building or structure within the City without first obtaining a written permit to do so. Application shall be made in writing to the city clerk and shall include the present location of the building to be torn down or demolished, how it will be torn down or demolished, how materials and debris will be removed from the premises and dispensed of and such other information as the City Council may require. The application shall be accompanied by a photograph accurately depicting the present condition of said building and a termite inspection certificate covering the building at its present location. The applicant, if other than the owner, shall also furnish good and sufficient evidence of his or her authority to tear down or demolish said building. The city clerk shall refer the said application to the building inspector for inspection and report to the City Council. Upon approval of the Council, the city clerk shall then issue the permit, provided that all fees and deposits as set forth below have been paid or provided. Tearing down, demolition, removal of debris and filling of excavations will be completed within six months of issuance of the permit. If not completed within said time, a new permit, fee and deposit (if needed) will be obtained and paid. (Neb. Rev. Stat. §77-1725)

## **SECTION 8-502: FEE AND DEPOSIT**

A. Prior to the granting of any permit, the applicant shall have paid to the City a fee in an amount set from time to time by resolution of the City Council and provided to the City a good and sufficient corporate surety bond, check or cash in an amount set by motion of the Council and conditioned upon tearing down or demolishing such building without doing damage to any private or municipal property. At such time as the building teardown or demolition 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 building inspector, the city clerk shall return the corporate surety bond, cash or check deposited by the applicant.

B. 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 condition. If the expense of correcting the condition is greater than the amount of the deposit set by resolution of the City Council, as required herein, the Council may recover such excess expense by civil suit or otherwise as prescribed by law.

## **SECTION 8-503: EXEMPTION**

No permit shall be required to tear down or demolish a building that is 10 feet wide or less and 20 feet long or less.

## **Article 6 – Penal Provision**

### **SECTION 8-601: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of any article or section 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.