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## **CHAPTER 9 – BUILDING REGULATIONS**

### **Article 1 – Building Inspector and Permits**

#### **§9-101 POWER 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 shall inspect all buildings repaired, altered, built, or moved in the City as often as necessary to insure compliance with all city ordinances. He 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 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 City Policeman. In the event that the City Council fails to appoint a Building Inspector, the Utilities Superintendent or his assistant shall be the Building Inspector ex officio.

#### **§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.

#### **§9-103 PERMIT CARD.**

Upon the issuance of a building permit, the Building Inspector shall furnish to the applicant a permit card which shall be a distinctive color and shall contain the nature of the work, the location of the building, the number of the permit, and the date of issuance. The said card shall be prominently displayed on the principal frontage of the building site close to or upon the building or structure and shall so remain until the final inspection has been made.

#### **§9-104 TIME OF INSPECTION.**

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 City 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.

#### **§9-105 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, 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.

#### **§9-106 BUILDING PERMITS.**

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 Clerk for that purpose. 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 Building Inspector and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the Building Inspector shall authorize the Clerk to issue the said applicant a permit upon the payment of the permit fee set by resolution of the City Council. 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. 295, 6/4/79)

#### **§9-107 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 issued to the County Assessor. (Neb. Rev. Stat. §18-1743) (Ord. No. 365, 11/8/83) (Am. by Ord. No. 704, 5/3/04)

#### **§9-108 PLANS, PLATS AND THE LIKE; CITY OFFICIALS; DUTY.**

A city official charged with the duty or responsibility of accepting or approving plans, specifications, plats, and reports shall not accept or approve plans, specifications, plats, or reports which have not been prepared in accordance with the Engineers and Architects Regulation Act. (Neb. Rev. Stat. §81-3447) (Ord. No. 622, 4/5/99)

## **Article 2 – Building Moving**

### **§9-201 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 approval of the Council, the Clerk shall then issue the said permit; provided, a good and sufficient corporate surety bond, check, or cash in an amount set by resolution of the Council 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 for moving 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.

(C) In the event it will be necessary for any licensed building mover to interfere with the telephone or 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 various city officials in charge of the city utility departments, 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. §39-6,177 to 39-6,180, 39-6,184, 77-1725)

### **§9-202 DEPOSIT.**

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 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 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.

## **Article 3 – Barricades and Lights**

### **§9-301 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 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 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 4 – Building Code**

### **§9-401 UNIFORM BUILDING CODE; ADOPTED.**

The Uniform Building Code is hereby adopted by the City as its official building code and all future building in the City shall be in compliance with the Uniform Building Code, including any amendments thereto. The City Clerk is authorized and directed to purchase a set of books containing the Uniform Building Code for local use. The City Building Inspector is authorized and directed to enforce compliance with the Uniform Building Code for all future building in the City. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. by Ord. No. 520. 11/7/94)

### **§9-402 BUILDING CODE; ACCESS FOR THE DISABLED.**

(A) Any new building which will accommodate the public must provide access for the disabled in compliance with the Americans with Disabilities Act.

(B) Any building to be remodeled or reconstructed which will accommodate the public must provide access for the disabled unless such accommodations would increase the cost of the remodeling or reconstruction by more than 20%. Proof of such increase in costs shall be the responsibility of the building permit applicant. Such access shall be in compliance with the Americans with Disabilities Act.

(Ord. No. 473, 4/6/92)

## **Article 5 – Plumbing Code**

### **§9-501 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 Uniform Plumbing Code, 1973 Edition, published by the International Association of Plumbing and Mechanical Officials, and printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the state statutes. One copy of the Plumbing Code is on file at the office of the City Clerk and is 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)

**§9-502 BUILDING REGULATIONS; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX.**

Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free. For purposes of this section, "lead free" shall mean:

(A) Solders and flux – not more than two-tenths percent (.2%) lead, and

(B) Pipe and pipe fittings – not more than eight percent (8%) lead.

(Neb. Rev. Stat. §71-5301) (Ord. No. 430, 5/2/88)

**Article 6 – Electrical Code**

**§9-601 ADOPTED BY REFERENCE.**

(A) The National Electrical Code issued and adopted by the National Fire Protection Association in 2005, and all amendments adopted thereafter, be and hereby is adopted as the official electrical code for the City, and all of its provisions be and the same hereby are adopted herein as if set forth in detail. All electrical installations performed within the City shall conform to the provisions of the National Electrical Code of 2005 and amendments adopted thereto. One copy of the Electrical Code shall be on file at the office of the City Clerk and available for public inspection during office hours.

(B) The provisions of the Electrical Code shall be controlling throughout the City and throughout its zoning jurisdiction. Any person installing any electrical device or appliance from and after this date not in conformity with the National Electrical Code of 2005 and its amendments shall be guilty of a misdemeanor and fined in a sum not to exceed \$500.00. In addition, the City may disconnect electrical service to any building wherein such non-conforming installation has been made and refuse to reconnect such service until the installation conforms to the National Electrical Code and its amendments.

(Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. by Ord. No. 773, 3/1/10)

**Article 7 – Anhydrous Ammonia Systems**

**§9-701 CONTROL OF ANHYDROUS AMMONIA; ADOPTED BY REFERENCE.**

To provide controls on the design, construction, location, installation and operation of anhydrous ammonia systems, Ord. No. 327, passed on October 5, 1981, as published in pamphlet form and on file with the City Clerk, is hereby adopted by reference in addition to all amendments thereto as though printed in full herein insofar as said ordinance does not conflict with state statutes. (Ord. No. 327, 10/5/81)

**Article 8 – Fair Housing**

**§9-801 ADOPTED BY REFERENCE.**

To prohibit discrimination in the City in the acquisition, ownership, possession or enjoyment of

housing, Ord. No. 315, passed on November 3, 1980, as published in pamphlet form and on file with the City Clerk, is hereby adopted by reference in addition to all amendments thereto as though printed in full herein insofar as said ordinance does not conflict with state statutes. (Ord. No. 315, 11/3/80)

## **Article 9 – Minimum Lighting and Thermal Efficiency Standards**

### **§9-901 ADOPTED BY REFERENCE.**

To provide for minimum lighting and thermal efficiency standards, the National Model Energy Code, 1983 Edition, as recommended and published by the Council of American Building Officials and printed in book or pamphlet form, together with Rules and Regulations for Building Energy Conservation Standards as recommended and published by the Nebraska Energy Office and printed in book or pamphlet form, are hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with state statutes. Three copies of the Model Energy Code and Rules and Regulations for Building Energy Conservation Standards are on file at the office of the City Clerk and are available for public inspection during office hours. The provisions of the Model Energy Code and Building Energy Conservation Standards shall be controlling throughout the City and throughout its zoning jurisdiction. (Ord. No. 324, 6/1/81) (Am. by Ord. No. 358, 9/6/83)

## **Article 10 – Unsafe Buildings**

### **§9-1001 SPECIAL ASSESSMENTS.**

If any owner of any building or structure fails, neglects, or refuses 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 may:

(A) Levy the cost as a special assessment against the lot or real estate upon which the building or structure is located and such special assessment shall be a lien on the real estate, collected in the manner provided for special assessments; or

(B) Collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

(Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01, 77-1725) (Ord. No. 458, 2/4/91)

## **Article 11 – Penal Provision**

### **§9-1101 VIOLATIONS; PENALTY.**

(A) Any person or any person's agent or servant who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500.00. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of

this chapter.

(B)(1) Whenever a nuisance exists as defined in this chapter, the City may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(2) 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. §17-505, 18-1720, 18-1722) (Am. by Ord. No. 645, 7/5/00)