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## CHAPTER 9 – BUILDING REGULATIONS

### Article 1 – Building Inspector

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

The building inspector shall be the village 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 Village Board. In the event that the board fails to appoint a building inspector, the public works director shall be the building inspector *ex officio*. The duties of the building inspector shall be as follows:

A. He 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, 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 ordinances exists and that a building or structure is unfit or unsafe for human habitation.

B. He shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He 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 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; 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, which shall be available for public inspection.

E. He 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.

#### 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: 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.

**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 excava-

tions, 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 building inspector shall stop all work until guards are erected and maintained as required.



## Article 2 – Building Permits

### SECTION 9-201: APPLICATION

A. 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 village clerk an application for a building permit. The application shall be in writing on a form to be furnished by the 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, architect, and contractor, and such other information as may be requested thereon.

B. The application, plans, and specifications filed with the village 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 inspector shall authorize the village clerk to issue the said applicant a permit upon payment of the permit fee set by resolution of the Village Board and placed on file in the village office. Standard permit fees shall, however, apply only in the case of on-time (before construction) filings. Any application filed after construction has commenced shall pay a fee that is four times the standard fee.

C. 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)

### SECTION 9-202: LIMITATIONS

A. It shall be unlawful for any contractor or any other person engaged in the actual work of erecting any building or other structure within the corporate limits of the Village or of making any improvements or repairs in excess of \$1,000.00 on any building or structure within the corporate limits of the village to proceed with the work until he knows the owner has obtained the permit as provided for in this chapter. The building inspector shall order cessation of any work so started before issuance of said permit.

B. 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.

### 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)



## Article 3 – Building Moving

### SECTION 9-301: PERMIT REQUIRED; APPLICATION; FEES; UTILITIES

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 upon a form provided by the clerk and then filed in his or her office. The application shall include:

1. A description of the building proposed to be moved, giving the street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
2. A legal description of the lot from which the building is to be removed, giving the lot, block and tract number, if located in the village;
3. A legal description of the lot to which it is proposed such building be moved, giving lot, block and tract number, if located in the village;
4. The portion of the lot to be occupied by the building when moved;
5. The highways, streets and alleys over, along or across which the building is proposed to be moved;
6. Proposed moving date and hours; and
7. Any additional information which the village clerk shall find necessary to a fair determination of whether a permit should be issued.
8. The following documents shall accompany the application:
  1. *Tax Certificate*. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any encumbrances and that all taxes and any village charges against the same are paid in full.
  2. *Certificate of Ownership or Entitlement*. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner or other sufficient evidence that he or she is entitled to move the building.
9. The application shall be accompanied by a permit fee as set by resolution of the Village Board and filed in the village office.

B. The village 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 such 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 village property is filed with the clerk prior to the granting of any permit.

C. 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.

D. 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.

E. 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 public works director, 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.

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

### **SECTION 9-302: PERMITTEE DUTIES**

Every permittee under this article shall:

A. Move a building only over streets designated for such use in the written permit;

B. Notify the village clerk in writing of a desired change in moving date and hours as proposed in the application;

C. Cause red lights to be displayed during the nighttime on every side of the building if standing on a street, in such a manner as to warn the public of the obstruction, and shall at all times maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building;

D. Remove the building from the village streets after four days of such occupancy unless an extension is granted by the chairman and the Village Board;

E. Comply with the building code, the fire zone, and any zoning ordinances now existing or hereinafter adopted and all other applicable ordinances and laws;

F. Notify the village clerk in writing of any and all damage done to property belonging to the village within 24 hours after the damage or injury has occurred; and

G. Within ten days from the issue date of the permit, remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.

### **SECTION 9-303: COMPLETION OF MOVE**

At such time as the building moving has been completed, the building inspector 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 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 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), Chapter 13 of the 2009 edition and all but such chapter of the 2012 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. One copy of the International Building Code as described above shall be on file at the office of the village clerk, available for public inspection during office hours. The provisions of the International Building Code shall be controlling throughout the village and throughout its zoning jurisdiction. (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 2015 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. One copy of the Uniform Plumbing Code shall be on file at the office of the village clerk, available for public inspection during office hours. The provisions of the Plumbing Code shall be controlling throughout the village 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 2014 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 village clerk, available for public inspection during office hours. The provisions of the electrical code shall be controlling throughout the village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)



## **Article 5 – Penal Provision**

### **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.