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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 Village Board fails to appoint a building inspector, the utilities superintendent shall be the building inspector ex officio. The duties of the building inspector shall be as follows. He shall:

A. 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. 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. 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. Keep records of all complaints received and issued, inspection reports, and orders and prepare an annual report based on the records kept. The records shall be available for public inspection.

E. Serve as the floodplain enforcement official as provided in Chapter 10, Article 1.

F. Report to the Village Board as often as may be deemed necessary.

G. 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: 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.

SECTION 9-104: TIME OF INSPECTION

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 9-105: 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 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 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 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 9-106: 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 chairman or designated agent or the building inspector shall stop all work until guards are erected and maintained as required.

Article 2 – Zoning Permits

SECTION 9-201: WORDS AND PHRASES DEFINED

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein.

"Building" shall mean a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. A structure of the following dimensions shall not fall within this definition: 12 feet wide, 24 feet long, 15 feet high.

"Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

SECTION 9-202: CONSTRUCTION, REPAIR, ENLARGEMENT, DEMOLISHING OR RELOCATION OF BUILDING; 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 permit. The application shall be in writing on a form to be furnished by the village clerk.

B. 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.

C. Applications for building relocations shall be accompanied by the following documents:

- a. *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 entanglements and that all taxes and any village charges against the same are paid in full.
- b. *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 is entitled to move the building.

D. All applications shall be accompanied by a permit fee in an amount set by resolution and available for inspection at the village office, which shall be paid over to the village clerk, who shall credit it to the general fund.

E. The application, plans and specifications so filed with the village clerk shall be checked and examined by the Village Board and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the board shall authorize the village clerk to issue the said applicant a permit upon the payment of the permit fee of set by resolution and on file at the village office for public inspection. 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. §17-550, 17-1001)

SECTION 9-203: PERMIT 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 9-204: 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 \$1,000.00 or more, a duplicate of such permit shall be filed with the county assessor. (Neb. Rev. Stat. §18-1743)

SECTION 9-205: BUILDING RELOCATION; INTERFERENCE

A. Whenever it shall be necessary for any permittee in moving a building to interfere with any electric or telephone poles or wires, the public service company or companies owning, using or operating such poles or wires shall, upon such notice as is provided in their respective franchises or, if no provision for notice is made therein, then upon 24 hours' notice, be present and assist or, if necessary, move such poles and wires; and the expense of said removal, as estimated, shall be paid in advance by applicant unless it is otherwise provided in said companies' franchises.

B. Whenever the moving of any building necessitates interference with any water main or sewer main belonging to the Village, notice in writing of the time and route of such building moving operations shall be given to the building inspector, who shall proceed on behalf of the village law enforcement official. The notice herein provided for shall be given to said village official or public service company or companies, as case is, by the licensed house mover.

SECTION 9-206: BUILDING RELOCATION; DUTIES OF PERMITTEE

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. 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.

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

E. Remove the building from the village streets after four days of such occupancy, unless an extension is granted by the chairman and Board of Trustees.

F. Comply with the building code, the fire zone, zoning ordinances and all other applicable ordinances and laws upon relocating the building in the Village.

G. Pay the expense of a traffic officer ordered by the chairman or his designated agent to accompany the movement of the building to protect the public from injury.

H. 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.

I. See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the village water office; notify the gas and electric service companies to remove their services.

Article 3 – Codes Adopted

SECTION 9-301: 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 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.

SECTION 9-302: 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 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 9-303: 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 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 Village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §18-132)

SECTION 9-304: 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 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 village clerk, available for public inspection during office hours. The provisions of the housing code shall be controlling throughout the Village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §18-132)

Article 4 – Lighting and Thermal Efficiency Standards

SECTION 9-401: NEED

The Village finds that there is a present and continuing need to provide for the development and implementation of minimum lighting and thermal efficiency standards for buildings to insure coordination with federal policy under the Energy Conservation Standards for New Buildings Act of 1976, to promote the conservation of dwindling energy resources, and to provide for the public health, safety and welfare.

SECTION 9-402: TERMS; DEFINED

As used in this article, unless the context otherwise requires, the following definitions shall apply:

“Addition” shall mean any construction added to an existing building which will increase the floor area of that building by 5% or more.

“Architect” or “engineer” shall mean any person registered pursuant to Neb. Rev. Stat. §81-847.

“Building” shall mean any structure which utilizes or will utilize a heating system, cooling system or domestic hot water system, including new buildings, renovated buildings and additions but not including any structure which has a consumption of traditional energy sources for all purposes not exceeding the energy equivalent of one watt per square foot.

“Floor area” shall mean the total area of a building, expressed in square feet, which is within the exterior face of the shell of the structure which is heated or cooled.

“Prime contractor” shall mean the person, persons, entity or entities who have a contract with the owner and is the one responsible for the overall construction of any building or the installation of any component which affects the energy efficiency of the building. “Prime contractor” shall also mean a property owner who performs the work of a prime contractor.

“Renovation” shall mean alterations on an existing building which will cost more than 50% of the replacement cost of such building at the time work is commenced or which was not previously heated or cooled, for which a heating or cooling system is now proposed, except that the restoration of historical buildings shall not be included.

“Residential building” shall mean a building three stories or fewer that is used primarily as one or more dwelling units.

“Standard” shall mean *The Model Energy Code*, 1983 Edition, of the Council of American Building Officials.

“Traditional energy sources” shall mean electricity, petroleum-based fuels, uranium, coal and all nonrenewable forms of energy.

SECTION 9-403: STANDARD; APPLICABILITY

The Standard shall apply to all new buildings or renovations of or additions to any existing buildings on which construction is initiated on or after the effective date of this section.

SECTION 9-404: EXEMPTIONS

The following shall be exempt from this act:

A. Any building which has a peak design rate of energy usage for all purposes of less than one watt or 3.4 British Thermal Units per hour per square foot of floor area.

B. Any building which is neither heated nor cooled.

C. Any building or portion thereof which is owned by the United States of America.

D. Any mobile home as defined by Neb. Rev. Stat. §71-4603.

E. Any manufactured housing unit as defined by Neb. Rev. Stat. §71-1557(1).

F. Any building (1) listed on the National Register of Historic Places, (2) determined to be eligible for the National Register of Historic Places by the state historic preservation officer or (3) designated as an individual landmark or heritage preservation site by the Village or located within a designated landmark or heritage preservation district.

G. Any building to be renovated that is located within an area that has been designated blighted by the Village.

H. All residential buildings.

SECTION 9-405: COMPLIANCE; APPEAL

A. For purposes of insuring compliance with the Standard, the chief building inspector may conduct such inspections and investigations as are necessary to make a determination of compliance and may issue an order containing and resulting from the findings of such inspections and investigations; and a building owner may request that the office undertake a determination pursuant to this section. Such request shall include a list of reasons why the building owner believes such a determination is

necessary.

B. A building owner aggrieved by the chief building inspector's determination, or refusal to make such determination, may appeal such determination or refusal to the Village Board.

C. The chief building inspector may charge an amount sufficient to recover the costs of providing such determinations.

D. Buildings constructed after the adoption of the Standard shall be exempt from the provisions of this section.

SECTION 9-406: INSPECTION; INVESTIGATIONS

The chief building inspector or any person designated by him or her shall conduct inspections and investigations necessary to enforce the Standard and may, at reasonable hours, enter into any building and upon any premises within his jurisdiction for the purpose of examination to determine compliance with this article. Inspection shall be conducted only after permission has been granted by the owner or occupant or after a warrant has been issued pursuant to Neb. Rev. Stat. §29-830 to 29-835. During construction, the chief building inspector or persons designated by him or her shall make periodic inspection to assure compliance with this article.

SECTION 9-407: BUILDING PLANS; SUBMISSION FOR APPROVAL

A. Prior to the construction of, renovation of or addition to any building covered by this article, the prime contractor shall file sufficient plans and specifications with the chief building inspector to enable him or her to make a determination whether such building will comply with the Standard. The chief building inspector shall within 30 days of the filing approve or disapprove the plans and specifications. If disapproved, the reasons shall be set forth in writing to the prime contractor.

B. If the chief building inspector determines that such construction, renovation or addition will comply with the Standard, he or she shall issue a written permit which the prime contractor shall display in a conspicuous place on the premises where the construction work is to be done. No construction, renovation or addition shall commence until a permit is issued and displayed as required by this section.

SECTION 9-408: WHEN ARCHITECT OR ENGINEER RETAINED

If an architect or engineer is retained, he or she shall place his or her state registration seal on all construction drawings to indicate that the design meets the Standard. The prime contractor shall build or cause to be built in accordance with the construction documents prepared by the architect or engineer.

SECTION 9-409: VIOLATION; PENALTY; ENFORCEMENT

Any person violating any provision of this article shall be subject to a maximum fine of \$500.00. In addition, the Village may by an action in the District Court enforce the provisions of this article through equity and injunctive processes.

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.