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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. The code enforcement officer designated in Section 3-404 or another person may be appointed as building inspector. The duties of the building inspector shall be as follows:

A. He or she shall have the authority to carry out the duties as stated in the Dangerous Buildings Regulations in Chapter 3, Article 5, Section 3-502 herein.

B. He or she 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 or she 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.

C. He or she shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He or she 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. The building inspector or his or her agent shall serve such written order.

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

E. He or she shall keep records of all complaints received, inspection reports, orders, and complaints issued, which shall be available for public inspection.

F. He or she shall report to the City Council as often as may be deemed necessary and shall have such other duties and issue such permits as the council 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 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 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 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 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 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 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 intending to construct or reconstruct a building or other structure or any addition thereto shall before proceeding with said work or excavation in connection therewith file in the office of the city clerk a written application designating the kind of building, structure or addition which the applicant intends to erect or make, the legal description and location of the real estate, the portion of the real estate to be occupied by the building or other structure, the probable cost thereof and a detailed description of the type of construction and material to be used therein, especially in each chimney, smokestack, flue and fireplace to be erected or constructed in connection therewith, together with any additional plans or specifications as may be required by the City Council, and shall obtain a permit therefor as herein provided.

B. Such applications shall be referred by the city clerk to the City Council at the next regular meeting and the council shall then determine whether the permits shall be issued. However, the mayor, without council action, may authorize the issuance of a permit for addition(s) to an existing building or structure whenever such addition would not be in conflict with any ordinance.

C. For a building or structure with a floor space of more than 130 square feet, the city clerk shall charge and collect in advance a permit fee as set by resolution of the City Council, which fee shall be paid over to the treasurer for credit to the general fund. For all buildings or structures or additions thereto of less than 130 square feet, there shall be no permit fee. 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.

D. 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) (Ord. Nos. 203, 4/6/82; 265, 9/7/89)

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 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 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)

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 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 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 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.
(Neb. Rev. Stat. §§60-6,288 to 60-6,291, 60-6,294, 60-6,298 to 60-6,301)

SECTION 9-302: UTILITIES

A. 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.

B. 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.

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 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, the council 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), most recent 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. The provisions of the IBC shall be controlling throughout the city and throughout its zoning jurisdiction. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922) (Ord. No. 267, 9/7/89)

SECTION 9-402: PLUMBING CODE; ADOPTED BY REFERENCE

The National Standard Plumbing Code, most recent edition, published by the Plumbing-Heating-Cooling Contractors Association, 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. 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) (Ord. No. 258, 3/7/89)

SECTION 9-403: ELECTRICAL CODE; ADOPTED BY REFERENCE

The National Electrical Code, most recent edition, 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. The provisions of the electrical code shall be controlling throughout the city and throughout its zoning jurisdiction. The city shall not be liable in any way for damages from any wiring or motors inside any building. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922) (Ord. No. 260, 4/4/89)

Article 5 – Thermal Efficiency and Lighting

SECTION 9-501: NEED

The city 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 9-502: 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. §81-3436.

“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 having 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 *Standard 90.1* of the American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc.

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

SECTION 9-503: STANDARD; APPLICABILITY

The standard shall apply to new residential buildings on which construction is initiated on or after April 1, 1981 and all other new buildings or renovations thereof or additions to any existing buildings on which construction is initiated on or after January 1, 1982.

SECTION 9-504: 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. §71-4621;

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 city 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 city; and

H. All residential buildings.

SECTION 9-505: ALTERNATIVE BUILDING SYSTEM

Any person who owns or constructs a building to which this article applies may request that an alternative building system, technique, equipment design, or building material be found equivalent to the standard. The chief building inspector shall make such determination if he finds that the proposed alternative would not result in energy consumption greater than would result from the strict application of the standards. If the chief building inspector fails to approve or disapprove the request within 60 days from the date of filing, it shall be considered approved.

SECTION 9-506: INSPECTION; INVESTIGATIONS

The building inspector or any person designated by him or her shall conduct inspections and investigations necessary to enforce the standard and may enter into any building and upon any premises within his jurisdiction at reasonable hours 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 building inspector or persons designated by him or her shall make periodic inspection to assure compliance with this article.

SECTION 9-507: 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 person filing the application for a permit shall pay no fee for filing the application. 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. If the chief building inspector fails to approve or disapprove the building plans for a residential building in 30 days from the date of filing, the plans shall be considered approved.

B. If the 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 9-508: 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. This certification must accompany the building plans submitted to the chief building inspector for approval.

Article 6 – Trailer Houses

SECTION 9-601: REGULATION

A. A trailer home, mobile home or trailer coach may hereinafter be erected in or moved onto any lot or parcel of ground within the Residential District of the city provided that:

1. The written consent of at least 75% of all resident owners of record of real property adjoining the lot or parcel of ground desired to be used for the use and occupancy of said lot or parcel of ground by a trailer home, mobile home, or trailer coach and 75% of all resident owners of record of the real property within a distance of 150 feet from such lot or parcel of ground shall have been obtained and filed with the city clerk;
2. The owner of any such lot or parcel of ground shall first obtain a permit to do so from the City Council; and
3. The council shall not issue such permit until the water and sewer commissioner has certified to the council that such intended use of said lot will conform to the requirements of the city for proper connection to the sewer and water systems.

B. In construing this article, a lot or parcel of ground shall be considered as adjoining another only when any part thereof touches or corners with such other lot or tract or is separated therefrom only by a street or alley and would touch such other lot or tract or corner therewith if such street or alley did not intervene.

C. Whenever any lot or parcel of ground within the Residential District shall cease to be occupied by a trailer home, mobile home, or trailer coach for a period of 30 days, the right of use and occupancy of said lot by a trailer home or trailer coach shall cease and shall be considered as an abandonment of said lot for the occupancy of the same by a trailer home, mobile home, or trailer coach.

D. Every trailer home, mobile home, or trailer coach moved onto any lot or parcel of ground within the Residential District of the city without a permit therefor as herein required shall be deemed and considered to be a public nuisance and may be abated or removed by the city at the expense of the owner, if such owner shall fail to abate or remove the same within five days after the date of the service upon him or her by the police chief to do so. The said notice may be served personally or by certified mail.

Article 7 – Penal Provision

SECTION 9-701: 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.