

CHAPTER 9 – BUILDING REGULATIONS

ARTICLE 1 – BUILDING PERMITS

SECTION 9-101: APPLICATION

SECTION 9-102: DUPLICATE TO COUNTY ASSESSOR

SECTION 9-103: LIMITATION

SECTION 9-104: VARIANCE NOT PERMITTED

SECTION 9-105: BUILDING WITHOUT PERMIT; NUISANCE

ARTICLE 2 – BUILDING MOVING

SECTION 9-201: REGULATIONS

SECTION 9-202: UTILITIES

SECTION 9-203: LIABILITY

SECTION 9-204: COMPLETION OF MOVE

ARTICLE 3 – CODES ADOPTED

SECTION 9-301: BUILDING CODE; ADOPTED BY REFERENCE

SECTION 9-302: PLUMBING CODE; ADOPTED BY REFERENCE

SECTION 9-303: ELECTRICAL CODE; ADOPTED BY REFERENCE

ARTICLE 4 – PENAL PROVISION

SECTION 9-401: VIOLATION: PENALTY

CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Permits

SECTION 9-101: 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, including but not limited to a lawful burning pursuant to Neb. Rev. Stat. §28-506, 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.

B. It shall be the duty of the owner, lessee or tenant intending the destruction of any building or improvement to post a \$1,000.00 cash bond with the village clerk prior to such destruction. This bond will be refunded upon payment of all damages to village property occasioned by such destruction and any cleanup work resulting from such destruction. In the event that a nuisance remains on the building permit site for more than six months after the issuance of the building permit, then the bond shall be forfeited and shall be applied to offset the cleanup by the village.

C. The application, plans, and specifications filed with the village clerk shall be checked and examined by him or her and if they are found to be in conformity with the

requirements of this chapter and all other ordinances applicable thereto, the clerk shall issue the said applicant a permit upon payment of the permit fee set by resolution of the Village Board. 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)

SECTION 9-102: 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)

SECTION 9-103: LIMITATION

If the work for which a permit has been issued shall not have begun within 90 days of the date thereof or if the construction has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the Village Board. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. (Ord. No. 223, 5/4/10)

SECTION 9-104: VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit to construct or repair a building within the corporate limits of the village is issued, as provided in this article, to vary in any manner from the plans and specifications submitted to the Village Board in the construction or repair authorized, so that such construction or repair shall not conform to the ordinances of the village.

SECTION 9-105: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within said village without a permit therefor, as herein required, or which is not constructed, remodeled or located in accordance with the permit granted and issued therefor, shall be deemed and considered to be a public nuisance and may be abated or removed by the village at the expense of the owner.

Article 2 – Building Moving

SECTION 9-201: REGULATIONS

A. It shall be unlawful for any person, or his or her agent, to move any building over or across any street or public way of this village until a permit therefor has been issued by the village chairman and all other provisions of this article complied with. The chairman is hereby authorized to issue such permit upon the written application of the owner of said building proposed to be moved, or his or her agent, showing the size, type and kind of structure, its present location and its proposed new location, together with a bill of sale of such building. All applications shall be accompanied by a permit fee as set by resolution of the chairman and Village Board and kept on file in the office of the village clerk.

B. However, said permit shall not be issued until the owner of said building or his or her agent has furnished a bond with good and sufficient surety of \$10,000.00. Said bond is to be issued on condition, among other things, that said licensee will in all things strictly comply with all the provisions of the ordinances of this village relating to building moving, and that said licensee and his or her agent will save, indemnify and keep harmless the said village from all liabilities, judgments, costs and expenses which may accrue against it in consequence of the granting of such license.

C. In addition, said licensee or his or her agent will pay to said village any and all damages which may be sustained by any pavement, curb, gutter, sidewalk, street or other village property through the moving of such building by said licensee or his or her agent. Said licensee shall pay the owner any and all damages caused in a like manner to any private property in said village. Said bond shall be approved in writing by the board chairman before such license is issued.

D. The chairman in said permit shall limit the time of removal and shall specify the route to be followed in moving said building over and across the streets and public ways of said village, which shall be the route that least interferes with utility systems in said village under all circumstances. It shall be unlawful for any such licensee or his or her agent to digress from such time or specified route without the written permission or consent of the board chairman.

(Neb. Rev. Stat. §§60-6,288 to 60-6,291, 60-6,294, 60-6,298 to 60-6,301) (Am. Ord. No. 221, 4/6/10)

SECTION 9-202: 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 village, 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 village and at the expense of the mover to make such disconnections and do such work as is necessary.

SECTION 9-203: LIABILITY

It shall be unlawful for any licensee to make any openings or excavations in any street pavement or to set any stakes therein and it is hereby made a duty of every licensee to move any buildings in a careful manner and with the least possible injury to the public or private property. For every such injury or damage, he or she shall be liable on his or her bond. The estimate of any damage, as determined by the chairman of the Village Board, shall be final and conclusive upon the licensee.

SECTION 9-204: COMPLETION OF MOVE

At such time as the building moving has been completed, the village board chairman shall inspect the premises and report to the village clerk as to the extent of damages to public or private property, 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 chairman, 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 3 – Codes Adopted

SECTION 9-301: 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. If requested, the village clerk shall provide a source for obtaining a copy of the said building code. The provisions of the IBC shall be controlling throughout the village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

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 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. If requested, the village clerk shall provide a source for obtaining a copy of the said plumbing code. 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, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. If requested, the village clerk shall provide a source for obtaining a copy of the said electrical code. 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 4 – Penal Provision

SECTION 9-401: 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.