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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 utilities superintendent 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 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 pro-

gress. 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 within the village or within a one mile radius of the village 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; provided, no application shall be required for any improvement to existing structures of a total cost of less than \$500.00. 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. Every such application shall identify and describe the legal description and location of the portion of the real estate to be occupied by the building or other structure, a detailed description of the type of construction and material to be used therein, especially in each chimney, smoke stack, flue and fireplace erected or constructed. 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 article 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 fees as set by resolution of the Village Board and placed on file in the village office.

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) (Am. Ord. No. 01-01, 9/5/01)

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. (Ord. No. 93-01)

SECTION 9-203: EXEMPTIONS

The following repairs and remodeling activities to structures are exempt from application for permit and payment of fees:

A. Replacing or repairing of existing gutters.

B. Replacing or repairing existing doors or windows.

- C. Any interior repair and remodeling.
- D. Replacing or upgrading existing siding.
- E. Reroofing of structures, unless the pitch of the roof is changed in the process.
- F. Television antenna systems, except that the placement thereof must conform to applicable setback regulations as specified by village zoning ordinances.
- G. Construction of any structure containing a total square footage of not more than 100 square feet; provided, the location of the structure satisfies current property line setback requirements.

H. Construction, replacement, or repairing of concrete driveways, walkways, and patios; all concrete driveways, sidewalks, walkways, or patios which are demolished for village purposes shall be replaced at the expense of the property owner.
(Ord. No. 93-01)

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 \$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: REGULATIONS

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 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 Village Board 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 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 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 the board by resolution 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.

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.

C. 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.

D. 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.

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

SECTION 9-302: 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 – Modular Homes

SECTION 9-401: DEFINITIONS

“Modular housing unit” shall mean any dwelling whose construction consists entirely of, or the major portions of its construction consist of, a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities. To qualify as a “modular housing unit,” the structure must have a standard pitched roof and standard residential siding and must have the transportation axle and hitch removed. “Modular housing unit” shall not include a mobile home. (Neb. Rev. Stat. §71-1557)

SECTION 9-402: CONSTRUCTION STANDARDS; ADOPTED

In order to provide a certain minimum standard, provisions and requirements for safe and stable design, and methods of construction, the Nebraska Uniform Standards for Modular Housing Units Act is hereby incorporated by reference. (Neb. Rev. Stat. §§71-1555 through 71-1568)

Article 5 – Fences

SECTION 9-501: DEFINITIONS

“Front yard” shall mean the area extending between side lot lines across the front of a lot adjoining a public street.

SECTION 9-502: CONSTRUCTION; REGULATIONS

A. The following shall apply to residential property only:

1. In any front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of 30 inches and 10 feet;
2. No fence or wall which is more than 6 feet high shall hereafter be constructed, permitted or suffered to remain on any side yard or rear yard boundaries;
3. No fence or wall shall hereafter be constructed, permitted or suffered to remain closer than 2 feet from a front property line or 3 feet from the rear yard lot line;
4. No fence or wall shall be permitted which is composed entirely or in part of barbed wire, broken glass, sharp masonry, metal or other material which might be injurious to persons, animals or property or constructed or maintained in such a manner as to constitute a public nuisance; and
5. In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage at a minimum of 15 feet.

B. Any variation to the provisions of subsection (A) herein shall require a special permit from the Village Board. Such permit shall not be granted until the consent of the adjacent property owners is submitted to the Village Board and the board has considered the application after public notice and hearing.

SECTION 9-503: PERMITS

Permits for the construction or alteration of all fences and walls shall be obtained in the manner provided in the municipal code for the granting of other building permits, so far as may be applicable. It shall be the responsibility of said applicants to show property lines for construction and inspection by survey or other legal means.

Article 6 – Penal Provision

SECTION 9-601: 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.