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CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Zoning Administrator

SECTION 9-101: POWERS AND AUTHORITY

A. The zoning administrator shall be appointed as provided in Section 1-520. He or she shall work closely with and report to the City Council and the city clerk. He or she shall:

1. Receive and review applications for zoning permits;
2. Interpret and enforce the general plan and zoning ordinances;
3. Approve or deny zoning permit applications in compliance with ordinances and the general plan; and
4. Issue zoning permits and certificates of zoning inspections.

B. The zoning administrator shall conduct inspections of property (1) in conjunction with zoning permit applications and for compliance with ordinances and the general plan; (2) resulting from complaints; and (3) to follow up for compliance during the building process and upon completion, prior to issuance of a certificate of zoning compliance.

Article 2 – Zoning 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 city 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 and contractor, and such other information as may be requested thereon.

B. The application, plans, and specifications filed with the city clerk shall be checked and examined by the zoning administrator and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the administrator shall authorize the city clerk to issue the said applicant a permit upon payment of the permit fee set by resolution of the City Council. 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: LIMITATION

A. If the work described in any building permit has not commenced within six months of the date thereof or if the construction is discontinued for a period of six months, the permit shall be cancelled by the zoning administrator, who shall provide written notice of cancellation to the persons affected.

B. If the work described in any building permit has not been substantially completed within two years of the issuance thereof, the permit shall be cancelled by the zoning administrator, who shall provide written notice of cancellation 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 issued.

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 zoning administrator 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 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 head of each municipal department listed on the building moving permit 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 municipal laws have been violated during the said operation. Upon a satisfactory report from the head of each municipal department listed on the building

moving permit, 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 set by motion of the City Council, as required herein, 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), published by the International Code Council, most recent edition, 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 International Building Code shall be controlling throughout the city 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 most recent edition of the International Plumbing Code, 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 Plumbing Code shall be controlling throughout the city 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 National Electrical Code, as recommended by the National Fire Protection Association, most recent edition, 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. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

SECTION 9-404: PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE; HISTORIC BUILDINGS; NUISANCE

A. To provide certain minimum standards, provisions and requirements for: the control of buildings and structures and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such structures, the most recent edition of the International Property Maintenance Code is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as the code does not conflict with the statutes of the state. The provisions of the Property Maintenance Code shall be controlling throughout the city and throughout its zoning jurisdiction. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

B. The provisions of the Property Maintenance Code shall not be mandatory for existing buildings or structures designated by the state or city as historic buildings or

structures when such buildings or structures are judged by a code official to be safe and not dangerous to the public health, safety and welfare.

C. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of the Property Maintenance Code and such conflict with or violation of the provisions of the code are hereby declared to be a nuisance.

D. The imposition of the penalties prescribed in the Property Maintenance Code shall not preclude the city from instituting appropriate actions to abate such conflict with or violation of the provisions of the code as prescribed in Section 3-404 (Nuisances; Notice Procedure; Abatement)

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 the International Energy Conservation Code.

“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 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 article. (Am. Ord. No. 602, 9/14/83)

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: COMPLIANCE; APPEAL

A. For purposes of insuring compliance with the standard, the 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 building inspector's determination, or refusal to make such determination, may appeal such determination or refusal to the City Council.

C. The 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 9-506: INSPECTION; INVESTIGATIONS

The building inspector 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 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 building inspector to enable him or her to make a determination whether such building will comply with the standard. The 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 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: FEES

The fees, charges and expenses for zoning permits and certificates of zoning compliance shall be established and set by resolution of the City Council. The schedules of fees shall be posted at the office of the city clerk and may be amended or altered only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 9-509: ARCHITECT OR ENGINEER

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 9-510: VIOLATION; PENALTY; ENFORCEMENT

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

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. (Ord. No. 1119, 1/13/10)