TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

Cross-reference:

Local legislation regarding these topics, see Title XVII

CHAPTER 150: BUILDING REGULATIONS

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BUILDING PERMITS AND REGULATIONS

§ 150.01 REQUIREMENT.

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 City Clerk for that purpose. 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. The application, plans, and specifications so filed with the City Clerk shall be checked and examined by the City Council, and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the City Council shall authorize the City Clerk to issue the applicant a permit upon payment of a permit fee set by the Council by resolution. 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.
Penalty, see § 10.99

§ 150.02 LIMITATION.

If the work for which a permit has been issued shall not have begun within 6 months of the date thereof, or if the construction is discontinued for a period of 6 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.
Penalty, see § 10.99

§ 150.03 DUPLICATE TO COUNTY ASSESSOR.

Whenever a building permit is issued for the erection, alteration, or repair of any building within the city's jurisdiction, if the improvement is $2,500 or more, a duplicate of the permit shall be issued to the County Assessor.
(Neb. RS 18-1743)

§ 150.04 EXCAVATIONS AND EXPOSURES; BARRICADES AND LIGHTS.

Any owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the city shall protect all excavations, exposures, open basements, building materials, and debris by suitable barricades or guards by day and by warning lights at night. The failure, neglect, or refusal of the owner, tenant, or lessee to erect and maintain such protections shall constitute a violation of this section, and the Building Inspector or other city law enforcement authority may stop all

work upon the buildings and improvements until suitable protections are erected and maintained in the required manner.
Penalty, see § 10.99

MOVING OF BUILDINGS

§ 150.20 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 the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the building is presently located.

(B) The City Clerk shall refer the application to the City Council or its designee for approval of the proposed route over which the building is to be moved. Upon approval, the City Clerk shall issue the permit, provided that a good and sufficient corporate surety bond, check, or cash in an amount set by motion of the City Council and conditioned upon moving the building without doing damage to any private or city property is filed with the City Clerk prior to the granting of any permit.

(C) No moving permit shall be required to move a building that is 10 feet wide or less, and 20 feet long or less, and when in a position to move, 15 feet high or less.

(D) In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the poles, wires, or line shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the poles, wires, or line relative to the building moving operation. All expense of the disconnection, removal, or related work shall be paid in advance by the licensee unless the disconnection or work is furnished on different terms as provided in the company's franchise.

(E) 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 building moving operation shall be given to the various officials in charge of the city utility departments, who shall proceed in behalf of the city and at the expense of the mover to make such disconnections and do such work as is necessary.
Penalty, see § 10.99

Statutory reference:

Authority to regulate moving of buildings, see Neb. RS 17-142

§ 150.21 DEPOSIT.

At such time as the building moving has been completed, the Building Inspector or other designated official shall inspect the premises and report to the City Clerk as to the extent of damages, if any, resulting from the relocation and whether any city laws have been violated during the operation. Upon a satisfactory report from the Building Inspector or other designated official, the City 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 conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by the City Council, the City Council may recover the excess expense by civil suit or otherwise as prescribed by law.

UNSAFE BUILDINGS

§ 150.35 DEFINITION.

(A) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

UNSAFE BUILDING. Includes any building, shed, fence, or other human-made structure:

(a) Which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures;

(b) Which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard; or

(c) Which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of the structure.

(B) Any such unsafe building in the city is hereby declared to be a nuisance.
Penalty, see § 10.99

§ 150.36 PROHIBITIONS.

It shall be unlawful to maintain or permit the existence of any unsafe building in the city, and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same

to remain in an unsafe condition or to occupy the building or permit it to be occupied while it is in an unsafe condition.
Penalty, see § 10.99
Statutory reference:
Authority to prevent and abate nuisances, see Neb. RS 18-1720

§ 150.37 DETERMINATION; NOTICE.

(A) (1) Whenever the City Council or its designee has made a determination that a building or other structure in the city is an unsafe building, it shall be the duty of the City Clerk to post the property accordingly and to file a copy of such determination or resolution in the office of the County Register of Deeds to be recorded.
(Neb. RS 18-1722.01)

(2) The Clerk shall also serve written notice upon the owner and any occupant of the building or other structure by certified mail or personal service.

(B) This notice shall state that the building has been declared to be in an unsafe condition, that the dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it, and that the condition must be remedied within 60 days from the date of receipt. The notice may be in the following terms:

"To _____ (owner-occupant of premises), of the premises known and described as _____.

"You are hereby notified that _____ (describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by _____. The causes for this decision are _____ (here insert the facts as to the dangerous condition).

"You must remedy this condition or demolish the building within 60 days from the date of receipt of this notice or the city will proceed to do so. Appeal of this determination may be made to the City Council, acting as the Board of Appeals, by filing with the City Clerk within 10 days from the date of receipt of this notice a request for a hearing."

(C) If the person receiving the notice has not complied within 60 days from the date of receipt of the notice, or taken an appeal from the determination that a dangerous building exists within 10 days from the time when this notice is served upon that person by personal service or certified mail, the Building Inspector or other designated official may, upon orders of the City Council, proceed to remedy the condition or demolish the unsafe building.

§ 150.38 APPEAL; DEMOLITION; DUTY TO INFORM COUNTY.

(A) Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may in writing to the City Clerk request a hearing before the City Council, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The City Council shall grant such a hearing within 10 days from the date of receiving the request. A written notice of the City Council's decision following the hearing shall be sent to the property owner by certified mail.

(B) If the City Council rejects the appeal, the owner shall have 60 days from the sending of the decision to begin repair or demolition and removal. If after the 60-day period the owner has not begun work, the City Council shall proceed to cause the work to be done, except that the property owner may appeal the decision to the appropriate court for adjudication, during which proceedings the decision of the City Council shall be stayed.

(C) Any city police officer or member of the City Council shall at once inform the County Treasurer of the removal or demolition of or a levy of attachment upon any item of real property known to him or her.
(Neb. RS 77-1725.01)

§ 150.39 EMERGENCY.

Where any unsafe building or structure poses an immediate danger to the health, safety, or general welfare of any person or persons and the owner fails to remedy the situation in a reasonable time after notice to do so, the city may summarily repair or demolish and remove that building or structure.

§ 150.40 SPECIAL ASSESSMENTS.

(A) If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the city to repair, rehabilitate, or demolish and remove a building or structure which is an unsafe building or structure and a public nuisance, the city may proceed with the work specified in the notice to the property owner. A statement of the cost of this work shall be transmitted to the City Council.

(B) The City Council may:

(1) Levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or

(2) Collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.
(Neb. RS 18-1722)

BUILDING INSPECTOR

§ 150.55 POWER AND AUTHORITY.

The Building Inspector shall be the city official who shall have the duty of enforcing all city building and housing regulations, if any. He or she shall inspect all buildings repaired, altered, built, or moved in the city as often as necessary to ensure compliance with all city ordinances. He or she shall have the power and authority to order, at the direction of the City Council, all work stopped on any construction, alteration, or relocation which violates any provisions prescribed in any city building and housing regulations. He or she shall, at the direction of the City Council, issue permission to continue any construction, alteration, or relocation when the City 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 1 hour. This written order may be served by any city police officer. In the event that the city has building and housing regulations and the Mayor fails to appoint a Building Inspector, the chief city law enforcement officer shall be the Building Inspector ex officio.

§ 150.56 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.
Penalty, see § 10.99

§ 150.57 PERMIT CARDS.

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 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.
Penalty, see § 10.99

§ 150.58 TIME OF INSPECTION.

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 city code: foundation inspection shall be made after trenches are excavated and the necessary forms erected; 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 final inspection shall be made after the building is completed and ready for occupancy. 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.
Penalty, see § 10.99

§ 150.59 APPEAL FROM DECISION.

In the event it is claimed that the true intent and meaning of any city building or housing regulation 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 the regulation and by the Building Inspector, the owner, his or her agent, or the occupant may file a notice of appeal within 10 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 is assured and may include conditions not generally specified by the building or housing regulation to achieve that end. A copy of any variance so granted shall be sent to both the Building Inspector and the applicant.