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## **CHAPTER 9 – BUILDING REGULATIONS**

### **Article 1 – Construction Codes**

#### **SECTION 9-101: BUILDING CODE; ADOPTED BY REFERENCE**

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the most recent edition of the National Building Code, published by the International Conference of Building Officials, American Insurance Association, and printed in book or pamphlet form, is hereby incorporated by reference as though printed in full herein insofar as said code does not conflict with the state statutes. One copy of the Building Code shall be on file at the office of the city clerk and available for public inspection during office hours. The provisions of the Building Code shall be controlling throughout the City and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132)

#### **SECTION 9-102: HOUSING CODE; ADOPTED BY REFERENCE**

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in houses hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the most recent edition of the Uniform Housing Code, published by the International Conference of Building Officials and printed in book or pamphlet form, is hereby incorporated by reference as though printed in full herein insofar as said code does not conflict with the state statutes. One copy of the Housing Code shall be on file at the office of the city clerk and available for public inspection during office hours. The provisions of the Housing Code shall be controlling throughout the City and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132)

#### **SECTION 9-103: 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 National Plumbing Code, published by the American Society of Mechanical Engineers and printed in book or pamphlet form, is hereby incorporated by reference as though printed in full herein insofar as said code does not conflict with the state statutes. One copy of the Plumbing Code shall be on file at the office of the city clerk and available for public inspection during office hours. The provisions of the Plumbing Code shall be controlling throughout the City and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132)

#### **SECTION 9-104: ELECTRICAL CODE; ADOPTED BY REFERENCE**

To provide certain minimum standards, provisions, and requirements for safe and fire

proof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances, the most recent edition of the National Electrical Code, as recommended and published by the National Fire Protection Association and printed in book or pamphlet form, is hereby incorporated by reference as though printed in full herein insofar as said code does not conflict with state statutes. One copy of the Electrical Code shall be on file at the office of the city clerk and available for public inspection during office hours. The provisions of the Electrical Code shall be controlling throughout the City and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 18-575) (Am. by Ord. No. 259, 7/3/78)

## Article 2 – Building Inspector

### SECTION 9-201: DUTIES; POWER AND AUTHORITY

A. The building inspector or other authorized individual shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall:

1. Conduct surveys and make inspections in any area of the City as often as necessary to determine whether all buildings and structures repaired, altered, built, or moved in the City are in compliance with city ordinances.
2. Investigate all complaints, whether verbal, written, or in the form of a petition alleging and charging that a violation of the city ordinances exists and that a building or structure is unfit or unsafe for human habitation.
3. Keep records of all complaints received and inspection reports, orders, and complaints issued. The records shall be available for public inspection and he shall prepare an annual report, including statistics, based on the records kept.
4. Enforce all laws relating to the installation of electrical wiring, plumbing, and connections thereto.
5. Have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein.
6. Issue permission to continue any construction, alteration, or relocation when he is satisfied that no provision will be violated.
7. In the discharge of his official duties and upon proper identification, have authority to enter into any building, structure, or premises at any reasonable hour.
8. Appear at all hearings and testify as to the condition of any unsafe or dangerous building or structure.
9. Issue permits as directed by the City Council.

B. The building inspector or other authorized individual 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 of a building, 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.

C. When acting in good faith and without malice in the scope of his official duties, he shall not himself be held personally liable for any damage that may accrue to persons or property as the result of any act required by him or by reason of any act or omission in the discharge of his duties.

D. The building inspector or other authorized individual shall perform such other duties as the City Council may direct. He may be removed at any time for good and sufficient cause by the council.

#### **SECTION 9-202: RIGHT OF ENTRY**

It shall be unlawful for any person to refuse to allow the building inspector or other authorized individual, as defined in Section 9-201, entry into any building or structure during regular business hours where the work of construction, alteration, repair, or relocation is taking place for the purpose of making official inspections at any reasonable hour.

#### **SECTION 9-203: TIME OF INSPECTION**

The building inspector or other authorized individual, as defined in Section 9-201, 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 or her agent that the work fails to comply with the requirements of the municipal code: (A) foundation inspection shall be made after trenches are excavated and the necessary forms erected; (B) 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 (C) 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 or other authorized individual.

#### **SECTION 9-204: APPEAL FROM DECISION**

A. In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the building inspector or other authorized individual, as defined in Section 9-201, that the time allowed for compliance with any order of the building inspector or other authorized individual 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 the building inspector or other authorized individual, 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.

B. The City Council shall sit and act as the Board of Appeals and shall have the power and authority, when appealed to, to modify the decision or order of the building inspector or other authorized individual. Such a decision shall be final, sub-

ject 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 this code to achieve that end. A copy of any variance so granted shall be sent to both the building inspector or other authorized individual and the applicant.

## Article 3 – Building Permits

### SECTION 9-301: APPLICATION; FEES

A. Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building, dwelling or structure 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.

B. 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 council shall authorize the city clerk to issue the said applicant a permit upon the payment of the permit fee.

C. The fees to be charged for building permits shall be as set by the City Council and placed on file in the office of the city clerk for public inspection.

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 thru 17-132, 17-550, 17-1001) (Am. by Ord. No. 312, 8/25/83)

### SECTION 9-302: PROPOSED CHANGES

Any proposed changes in the improvement after the initial application must be first submitted on a supplementary building permit application and approved by the City Council. Such supplementary applications must conform to the same requirements as an initial application and be accompanied by a fee and the same commitments as an original application. Said fee shall be set by the City Council and placed on file in the office of the city clerk for public inspection.

### SECTION 9-303: 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 issued by the City to the county assessor. (Neb. Rev. Stat. §18-1743)

### SECTION 9-304: TIME 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 shall be discontinued for a period of six 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.

**SECTION 9-305: 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 during such work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day and by warning lights at night. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this section and the building inspector or the city police or shall stop all work until guards are erected and maintained as required.

## Article 4 – Housing Code

### SECTION 9-401: TITLE

This article shall be known as the Minimum Standards Housing Code, may be cited as such, and is herein referred to as "this code."

### SECTION 9-402: SCOPE

This article shall apply to all buildings or portions thereof used, designed or intended to be used for human habitation, excluding such institutional buildings as jails, hospitals and sanitariums.

### SECTION 9-403: DEFINITIONS

"Apartment" shall mean a room or suite of rooms occupied or intended or designed to be occupied as the home or residence of one individual, family or household for housekeeping purposes.

"Apartment house" shall mean any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as a home or residence of more than two families living independently of each other.

"Approved" shall mean approval by the building inspector or other authorized individual under the provisions of this code or approved by other authority designated by law to give approval in the matter in question.

"Basement" shall mean a portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

"Building" shall mean any building, structure, or portion thereof which is used, designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes or any combination thereof.

"Building inspector or other authorized individual" shall mean the officer charged with the administration and enforcement of this code or his authorized deputy. This individual shall be designated by the City Council.

"Cellar" shall mean the portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

" Dwelling " shall mean any building, mobile home, or part thereof used and occupied for human habitation or intended to be so used; provided, "temporary housing" as hereinafter defined shall not be regarded as a dwelling.

" Dwelling unit " shall mean any room or group of rooms located within a dwelling and

forming a single habitable unit with living, sleeping, cooking and eating facilities.

"Extermination" shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

"Family" shall mean a group of persons related by blood, marriage or adoption within and including the degree of first cousins.

"Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"Habitable room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets and storage spaces.

"Health officer" shall mean a legally designated head of the Department of Health of any city, governmental unit or combination thereof.

"Hotel" (see "Rooming house")

"Infestation" shall mean the presence within or around a dwelling of any insects, rodents or other pests.

"Multiple dwelling" shall mean any dwelling containing two or more dwelling units.

"Occupant" shall mean any person living, sleeping or eating in, or having actual possession of a dwelling unit or rooming unit, whether in possession or not; or any person who shall have charge, care or control of any dwelling, dwelling unit or building as owner or agent of the owner or as executor, administrator, trustee or guardian of the estate of the owner.

"Person" shall mean any individual, firm, corporation, association, partnership or trust.

"Plumbing" shall mean all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, shower baths, clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

"Rooming house" shall mean any dwelling or that part of any dwelling containing one or more rooming units in which space is let for money or other in-kind services by the owner to five or more persons who are not husband or wife, son or daughter, mother

or father, or sister or brother of the owner or operator.

"Rooming unit" shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

"Rubbish" shall mean all waste materials except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible material; paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass, crockery and dust.

"Supplied" shall mean paid for, furnished or provided by or under the control of the owner.

"Temporary housing" shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

#### **SECTION 9-404: MINIMUM STANDARDS**

No person shall occupy any dwelling or dwelling unit as owner/occupant or let to another for occupancy for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements.

#### **SECTION 9-405: BASIC FACILITIES**

A. *Kitchen Sink.* Every dwelling unit shall contain a kitchen sink of nonporous material in good working condition and properly connected to a water and sewer system approved by the building inspector or other authorized individual.

B. *Water Closet.* Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet and a lavatory basin in good working condition, properly connected to water and sewer systems approved by the building inspector or other authorized individual.

C. *Bathtub or Shower.* Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the building inspector or other authorized individual.

D. *Hot and Cold Water.* Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this article shall be properly connected with both hot and cold water lines.

E. *Water Heating Facilities.* Every dwelling shall have supplied water heating

facilities which are properly installed, maintained in safe and good working condition, properly connected with the hot water lines required under the provisions of this article and capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° F.

F. *Potable Water.* Every dwelling, dwelling unit and rooming house shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.

G. *Plumbing.* All plumbing shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions and shall be properly connected to sewer lines that discharge into a public sewerage system or, if no public system is available, into a private or jointly owned system meeting the requirements of the county and state Health Departments.

H. *Rubbish Storage.* Every dwelling unit shall be supplied with adequate rubbish storage facilities.

I. *Garbage Disposal.* Every dwelling unit shall have adequate garbage disposal facilities or garbage containers.

J. *Means of Exit.* Every dwelling unit shall have safe, unobstructed means of exit leading to safe and open space at ground level.

#### **SECTION 9-406: LIGHT, VENTILATION AND HEATING; WINDOW STANDARDS**

A. *Windows.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room, shall be 10% of the floor area of such room. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

B. *Adequate Ventilation.* Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total of opening window areas in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size, as required in this article, except where there is supplied some other device affording adequate ventilation and approved by the building inspector or other authorized individual.

C. *Bathroom and Water Closet.* Every bathroom and water closet compartment shall have adequate light and ventilation in consonance with good health standards.

D. *Electrical Service.* Where there is electrical service available from power lines not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor- or wall-type electric convenience outlets or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling- or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, maintained in good and safe working condition, and connected to the source of electrical power in a safe manner.

E. *Heating Facilities.* Every dwelling shall have heating facilities which are properly installed, maintained in safe and good working condition and capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of 70° F. at a distance 3 feet above floor level when the temperature outside is -10° F.

F. *Public Halls and Stairway Lighting.* Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

G. *Screens.* During that portion of each year when the health officer deems it necessary for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be supplied with screens.

H. *Rodent Screens.* Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

#### **SECTION 9-407: SPACE, USE AND LOCATION REQUIREMENTS**

A. *Floor Space.* Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

B. *Ceiling Height.* At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total area of the room for the purpose of determining the maximum permissible occupancy thereof.

C. *Habitable Cellar.* No cellar space shall be used or considered as a habitable room or dwelling unit.

D. *Habitable Basement.* No basement shall be used as a habitable room or dwelling unit unless:

1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
2. The total of window area in each is equal to at least the minimum window area sizes as required in Section 9-406(A) of this article;
3. Such required minimum window area is located entirely above the grade of the ground adjoining such window area;
4. The total of opening window areas in each room is equal to at least the minimum, as required under Section 9-406(A) in this article, except where there is supplied some other device affording adequate ventilation and approved by the building inspector or other authorized individual; and
5. There are adequate exits as required by state and city laws and regulations.

E. *Access to Bathroom and Bedroom.* No dwelling or dwelling unit containing two or more sleeping rooms shall have room arrangements such that access to a bathroom or toilet (water closet) room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or bathroom or toilet (water closet) room.

## **SECTION 9-408: STRUCTURAL REQUIREMENTS**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming unit, rooming house, or dwelling unit which does not comply with the following minimum standard for safe and sanitary maintenance:

A. *Exterior Foundation Walls and Roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight, watertight, and rodent-proof; all exterior walls shall be made impervious to the adverse effects of weather by periodic

application of paint or a similar protective coating and shall be kept in a sound condition and good repair. All foundation walls and exterior roofs shall be maintained in a safe manner and capable of supporting the loads which normal use may cause to be placed thereon.

B. *Interior Floor, Walls and Ceilings.* Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

C. *Windows and Doors.* Every window, exterior door and basement or cellar door and hatchway shall be substantially weather-tight, watertight and rodent-proof and shall be kept in sound working condition and good repair.

D. *Stairs, Porches and Appurtenances.* Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

E. *Bathroom Floors.* Every bathroom floor, surface and water closet compartment floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

F. *Supplied Facilities.* Every supplied facility, piece of equipment or utility which is required under this code shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

G. *Drainage.* Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

#### **SECTION 9-409: RESPONSIBILITIES OF OCCUPANTS**

It shall be the responsibility of all occupants:

A. To keep the dwelling, dwelling unit and premises he or she controls and occupies in a clean and sanitary condition.

B. To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city regulations.

C. To hang and remove screens from storm doors and windows provided by the owner except where the owner has agreed to supply such services.

D. To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.

E. To exterminate in the following cases:

1. The occupant of a single dwelling is responsible for extermination of any insects, rodents or other pests therein or on the premises.
2. The occupant of a single dwelling unit in a multiple unit structure is responsible for extermination of any insects, rodents or other pests if his or her unit is the only unit infested.
3. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a rat-proof or reasonably insect-proof condition, the occupant is not responsible for extermination of any insects, rodents or other pests therein.

F. No occupant shall willfully destroy, deface or impair any of the facilities, equipment or any part of the structure of a dwelling unit, dwelling, multi-dwelling or apartment.

G. It shall be unlawful for the owner or occupant of a dwelling to utilize the premises of such dwelling for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash or garbage upon notice from the building inspector or other authorized individual. For the purposes of this section, an "abandoned motor vehicle" is defined as one that is in a state of disrepair and incapable of moving under its own power.

#### **SECTION 9-410: RESPONSIBILITIES OF OWNERS**

It shall be the responsibility of all owners:

A. Where there are two or more dwelling units, to maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

B. To have dwellings in clean, sanitary, habitable condition; to free the same from infestation before renting or leasing; to paint walls and ceilings; and to clean, repair and exterminate if needed in order to meet aforesaid requirements before offering for rent or lease.

C. To provide every door opening directly from a dwelling unit to outdoor space with screens and a self-closing device and every window or other device openings to outdoor space, used or intended to be used for ventilation, with screens.

D. To exterminate the following infestation cases:

1. When infestation exists in two or more units of a multiple-unit structure.
2. When infestation exists in shared or public areas of a multiple-unit structure.
3. When infestation exists in a single-unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a rat-proof and reasonably insect-proof condition.

E. To perform the responsibilities of the occupant when premises are vacant.

### **SECTION 9-411: ADMINISTRATIVE PROCEDURES; INSPECTION REPORT**

A. The building inspector or other authorized individual shall, for each inspection made, make an inspection report noting any violations of this article or conditions which indicate that a dwelling is unfit for human habitation or that any other building is unsafe. He shall give a copy to the owner or occupant or both, as the case may require, and shall retain one copy. Except where a complaint as provided in subsection (B) is served at the time of inspection, the report shall serve as notice to the affected persons that there is a violation of this article and may contain a time limit for compliance.

B. The building inspector or other authorized individual may issue and cause to be served, in the manner prescribed in subsection (C), a complaint charging that a dwelling is unfit or that any building is unsafe. If the inspection discloses a basis for so charging, the complaint shall state:

1. That a hearing will be held before the building inspector or other authorized individual at a place therein fixed not less than ten days nor more than 30 days after the serving of the complaint;
2. That the owner and parties in interest may file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint, showing cause why an order should not be issued against the owner of the building citing violations of this minimum housing code; why further orders consistent with minimum housing practices should not be issued to rectify the violations noted in the complaint; and why the rules of evidence prevailing in the courts of law or equity should not be controlling in hearings before the building inspector or other authorized individual.

C. If, after such notice and hearing, the building inspector or other authorized individual determines that the dwelling or dwelling unit under consideration is unfit for

human habitation or the building is dangerous, he shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order to the intent and within the time specified in the order to repair, alter or improve the said dwelling or other building to render it fit and safe or, if the repair, alteration or improvement can be made at a cost that is not more than 50% of the value of the building, to vacate and close the building at the option of the owner or, if the repair cannot be made at a cost that is not more than 50% of the value of the building within the time specified in the order, to remove or demolish the said dwelling or other building.

D. Reports or notices issued by the building inspector or other authorized individual pursuant hereto shall be served upon persons either personally or by registered mail to the last known address of the person or persons.

E. Complaints or orders shall be served upon persons either personally or by registered mail but if the whereabouts of any person is unknown and the same cannot be ascertained by the building inspector or other authorized individual in the exercise of reasonable diligence and the building inspector or other authorized individual shall make an affidavit to that effect, then the serving of a complaint or order upon such person may be made by publishing the same once a week for two successive weeks in the official newspaper of the City, service being deemed complete upon the date of the last publication. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order and shall be recorded in the office of the clerk of the District Court of the county wherein the dwelling or building is located.

F. If the owner of a dwelling or other building fails to comply with the order of the building inspector or other authorized individual to repair, alter or improve and/or vacate, close, remove or demolish the dwelling, dwelling unit or building, the building inspector or other authorized individual may cause such dwelling, dwelling unit or building to be repaired, altered, or improved and/or to be vacated, closed, removed or demolished. The building inspector or other authorized individual may cause to be posted on the main entrance a placard with the following words: "This building is unfit for human habitation or other use; the use or occupation of this building for human or other use after is unlawful and is prohibited."

G. No person shall deface or remove the placard or other notice required hereunder from any dwelling, dwelling unit, rooming house, rooming unit or building. The building inspector or other authorized individual shall cause the placard to be removed whenever the defects upon which the placarding actions were based have been corrected or removed.

H. The amount of the cost of such repairs, alterations or improvements, vacating and closing, removal or demolition by the building inspector or other authorized individual, including the cost of advertising and publishing of notices, shall be the personal debt and liability of the owner or owners and shall be a lien against the real

property upon which such cost was incurred. Said cost shall be placed upon the City's tax books against the said property and may be collected and the said liens foreclosed in the same manner as taxes and tax liens are collected and foreclosed or by other civil suit or process as the city attorney may determine. If the dwelling, dwelling unit, or building is removed or demolished by the building inspector or other authorized individual, he shall, if possible, sell the materials of such dwelling, dwelling unit or building and shall credit the proceeds of such sale against the cost of removal or demolition. Any balance remaining shall be deposited in the District Court by the building inspector or other authorized individual, secured in such manner as may be directed by such court, and disbursed by such court to the persons found to be entitled thereto by final order or decree.

I. Failure on the part of any owner or party in interest to receive or have served upon any complaint, notice or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person, firm or corporation.

J. The city attorney (and prosecuting attorney) shall, upon complaint of the building inspector or other authorized individual or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct or remove such violation and to take such other legal action as is necessary to carry out the terms and provisions of this article. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law; any and all remedies may be pursued concurrently or consecutively and the pursuit of any remedy shall not be construed as the waiver of the right to pursue any or all of the others.

K. Any person affected by an order which has been upheld in full or in part by the Board of Appeals may, within 60 days after the posting and service of the order, petition the District Court for an injunction as provided by Neb. Rev. Stat. §25-1062 or seek to have the order reviewed as may otherwise be provided by law.

L. Whenever the building inspector or other authorized individual finds that an emergency exists which requires immediate action to protect the public health and/or welfare, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as deemed necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but upon petition the building inspector or other authorized individual shall be afforded a hearing in the manner prescribed in subsection (B) of this section as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the building inspector or other authorized individual shall continue such order in effect, modify it, or revoke it.

## Article 5 – Building Moving

### SECTION 9-501: APPLICATION; DEPOSIT; EXCEPTION; UTILITIES

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.

B. 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 approval of the council, the applicant shall file with the city clerk 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 municipal property. The clerk shall then issue the said 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 telephone poles and wires or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the said poles, wires, or line 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.

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 said building moving operation shall be given to the various city officials in charge of the utility departments, 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 9-502: COMPLETION OF MOVE; DEPOSIT

At such time as the building moving has been completed, the building inspector or other authorized individual 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 or other authorized individual, the city clerk shall return the cor-

porate 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, as required herein, the council may recover such excess expense by civil suit or otherwise as prescribed by law.

## **Article 6 – Mobile Homes**

### **SECTION 9-601: PURPOSE**

This article is declared to be necessary in the interest and for the promotion of the public health, safety, convenience, peace, comfort, order, and public welfare of the city and of the inhabitants thereof.

### **SECTION 9-602: REGULATION**

It shall be unlawful for any person, persons, firm, partnership or corporation to cause to be erected, parked, affixed or otherwise attached, temporarily or permanently, to any real estate within the City any mobile home (not including modular homes) for residential or any other purposes unless the same shall be placed upon a lot or tract of not less than 7,000 square feet in area, having no other residence or commercial building upon the same tract. Said mobile home shall not be placed within 20 feet of any existing residence or commercial building located upon adjacent property nor within 20 feet of any street or alley.

### **SECTION 9-603: APPLICATION FOR VARIANCE; TIME LIMIT**

Where the strict and literal application of the provisions of this article would in fact involve practical difficulties or would cause undue hardship in the use of the property, the City Council may consider and authorize, upon written application, a variance from such literal application so as to relieve such difficulties and hardship. In authorizing a variance, the council may attach thereto such conditions as may be necessary to carry out the spirit and purpose of this article. Any authorized variance shall become void after one year if no substantial construction has taken place in accordance with the plans for which such variance was authorized.

### **SECTION 9-604: VARIANCE REQUIREMENTS**

No variance from the requirements of this article shall be authorized by the City Council unless it finds that all the following facts and conditions exist:

A. That there are exceptional or extraordinary circumstances or conditions applying to the property involved or as to the intended use thereof that do not apply generally to other property in the same vicinity or zoning district.

B. That such variance is necessary for the preservation and enjoyment of a substantial property right of applicant possessed by the owners of other property in the same vicinity or zoning district.

C. That the authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located.

**SECTION 9-605: TRAILER PARK AND MOBILE HOME REQUIREMENTS**

A. All mobile homes shall be adequately skirted, tied down, connected to utilities, landscaped to promote drainage, and otherwise meet all applicable codes and regulations of the City prior to issuance of a permit of occupancy by the owner or others.

B. A permit for set-down must be obtained and paid for before the issuance of other permits. It must also be approved by the Planning Board before the issuance of other permits. Set-down permit fees shall be set by ordinance of the City Council and will be available for public inspection at the office of the city clerk.

C. No mobile home shall have any building attachments, except that a mobile home may have an enclosed entryway attached, such entryway to consist of not more than 50 square feet and shall be located only at the main entry door to the mobile home. The entryway shall not be used for any other purpose other than as an entryway between the outdoors and the main door of the mobile home.

D. Provided further, a mobile home may also have a patio or carport cover attached, which shall be entirely open on all sides except for the side attached to the mobile home and shall be constructed of non-combustible materials with a steel or metal frame. The area may never be enclosed, and any enclosure must be removed immediately upon request by the building inspector.

E. Provided further, all attachments must be approved by the City, meet all zoning and setback regulations, and must have had a valid building permit issued for their construction and erection before they will be allowed to be installed and constructed.

F. For mobile homes built prior to June 15, 1976, a label certifying compliance to the "Standard for Mobile Homes," NFPA 501, in effect at the time of manufacture is required.

(Ord. No. 513, 6/15/20)

**SECTION 9-606: PENALTY**

Any person, persons, firm, partnership, or corporation, who violates the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$10.00 nor more than \$50.00. Each day that any violation of this article continues shall be deemed a separate offense.

## Article 7 – Dangerous Buildings

### SECTION 9-701: DEFINITIONS

Any buildings or structures which have any or all of the following defects are hereby declared to be unsafe or dangerous buildings or structures and a public nuisance:

A. Those having walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;

B. Those showing 33% or more of damage or deterioration of the supporting member or members, exclusive of the foundation;

C. Those with improperly distributed loads upon floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;

D. Those damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants of the people of the City;

E. Those which have become dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, morals, safety, or general welfare of those living therein;

F. Those having light, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;

G. Those having inadequate facilities for egress in the case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication;

H. Those having parts thereof which are so attached that they may fall and injure persons or property;

I. Those that are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of the City because of their condition;

J. Those having been inspected by the County Health Department or a professional engineer appointed by the City which, after inspection, are deemed to be in violation of any provision of the Health Department rules and regulations or which are structurally unsafe or unsound as found by the inspection of the professional engineer;

K. Those existing in violation of any provision of this article, any provision of the Fire Prevention Code, any provision of the county health rules and regulations or other applicable provisions of the ordinances of the City, including but not limited to the building code adopted by the City.

**SECTION 9-702: STANDARDS**

The following standards shall be followed in substance in determining whether the structure or building should be repaired, vacated, or demolished:

A. If the unsafe or dangerous building or structure can reasonably be repaired so that it will no longer exist in violation of any of the terms or provisions of this article, it shall be ordered to be repaired by the City Council, after inspection by an appropriately licensed professional.

B. If the unsafe or dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated and repaired by the City Council, after inspection by an appropriately licensed professional.

C. In any case where an unsafe or dangerous building or structure cannot be repaired so that it will no longer exist in violation of the terms or provisions of this article, it shall be demolished. In all cases where the unsafe or dangerous building is a fire hazard existing or erected in violation of the applicable fire codes and regulations or any other provision of a city ordinance or state statute, it shall be demolished by determination of the City Council.

**SECTION 9-703: PUBLIC NUISANCE**

All unsafe or dangerous buildings or structures within the terms of this article are hereby declared to be nuisances and shall be repaired, vacated, or demolished as provided herein.

**SECTION 9-704: BUILDING INSPECTOR**

The building inspector or other authorized individual, his authorized representatives, a general building contractor, county health official, or professional engineer shall, at the direction of the City Council:

A. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in a dangerous or unsafe manner;

B. Inspect any building or structure within the jurisdictional area of the City for the purpose of determining whether any conditions exist which render such place a

dangerous or unsafe building or structure within the terms of this article;

C. Report to the City Council the results of the inspection;

D. Appear at all hearings and testify as to the condition of the unsafe or dangerous building or structure.

#### **SECTION 9-705: PROCEDURE**

If the building inspector or other authorized individual, his authorized representatives, a general building contractor, county health official or professional engineer finds that a building or structure is unsafe or dangerous and a nuisance, the City Council shall:

A. Notify the owner, occupant, lessee, mortgagee, agent or other persons having an interest in the building or structure that it has been found to be an unsafe or dangerous building. The notice will indicate whether the owner must vacate, repair or demolish the building or structure.

B. Set forth in the notice a description of the building or structure deemed unsafe or dangerous, accompanied by a statement of the particulars which make the building or structure unsafe or dangerous and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable.

C. Direct the building inspector or other authorized individual to place a sign on the building or structure found to be unsafe or dangerous on its exterior near the main entrance which shall state that the building or structure is unsafe or dangerous for occupancy and use.

#### **SECTION 9-706: FAILURE TO COMPLY**

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the property, building or structure shall fail, neglect, or refuse to comply with the notice by or on behalf of the City to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, or shall fail to comply with the notice to abate grasses, weeds or litter, the City may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the City Council, which is authorized to levy the cost as a special assessment against the property. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes. In addition, the City may bring a civil action against the offending party to recover the cost of the work.

#### **SECTION 9-707: DISPUTES**

A. In the event that the owner, occupant, lessee, mortgagee, agent or other

person having an interest in the building or structure determined dangerous, disagrees with or disputes the information contained in the notice to abate, such person shall notify the city clerk with a written statement that sets forth the reasons for the disagreement or dispute and the relief requested. This written request shall be made within ten days of mailing of the notice. If written notice is received by the city clerk within ten days, a hearing shall be held before the City Council at a regularly scheduled monthly meeting. The clerk shall notify the person requesting the hearing, in writing, of the time, place, and date of the regular monthly meeting and shall place the name of the person on the agenda of such meeting.

B. The hearing before the City Council shall be shall be informal and not governed by the Nebraska Rules of Evidence. Such hearing shall be quasi-judicial in nature and its decision shall be based on the evidence presented at the hearing. The person requesting the hearing may be represented by legal counsel or other representative, may present witnesses and offer evidence, and may examine and copy, at his/her own expense, and not less than three business days before the hearing, the records of the City regarding the inspection and notice. The council need not make a written finding of fact and may make its pronouncement orally at the hearing. The decision of the council shall be final unless appealed. Failure of the person to attend the hearing shall relieve the council of any further procedures before action is taken as set forth in a notice.

#### **SECTION 9-708: APPEAL**

Any person aggrieved by the decision of the City Council may appeal the decision to the District Court of Red Willow County. This appeal shall and must be taken within 30 days of the pronouncement of the council's decision. The record and evidence made before the council shall become the record for purposes of appeal. All appeals shall be made on the record and not a trial de novo.

#### **SECTION 9-709: IMMEDIATE HAZARD**

In the event the building constitutes an immediate hazard to the life or safety of any persons and must be demolished to protect their health or safety, the building inspector, other authorized individual or a professional engineer designated by the City Council shall report such facts to the council, which shall follow the procedures set forth in state statutes. The City, by and through the council, may immediately contract for the immediate demolition of the unsafe or dangerous building without requiring bids. The cost of such emergency vacation and demolition of unsafe or dangerous buildings or structures shall be levied, equalized, and assessed, as are other special assessments.

## **Article 8 – Penal Provision**

### **SECTION 9-801: 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.