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CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Inspector

SECTION 9-101: POWERS AND AUTHORITY

When necessary, the City Council shall appoint a building inspector, who shall be the city official having the duty of enforcing all building and housing regulations as herein prescribed. The city engineer or another person experienced in building construction practices may be appointed as building inspector. The duties of the building inspector shall be as follows:

A. 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 and is authorized, upon properly identifying himself, to enter, inspect, survey, and investigate between the hours of 8:00 a.m. and 5:00 p.m. or at any time if an emergency exists or if requested by the owner or occupant thereof. He or she shall also investigate all complaints, whether verbal, written, or in the form of a petition, alleging and charging that a violation of the municipal ordinances exists and that a building or structure is unfit or unsafe for human habitation.

B. He or she shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He or she shall, at the direction of the City Council, issue permission to continue any construction, alteration, or relocation when the 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 one hour. The building inspector or his or her agent shall serve such written order.

C. He or she 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 or she is the owner; and he or she shall not act as an agent for any said dealer or as an agent for the sale, lease, or rental of any real estate.

D. He or she shall keep records of all complaints received, inspection reports, orders, and complaints issued, which shall be available for public inspection.

E. He or she shall report to the City Council as often as may be deemed necessary and shall have such other duties and issue such permits as the council may direct.

SECTION 9-102: RIGHT OF ENTRY

It shall be unlawful for any person to refuse to allow the building inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place, for the purpose of making official inspections, at any reasonable hour.

SECTION 9-103: TIME OF INSPECTION

A. The building inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the work fails to comply with the requirements of the municipal code:

1. Foundation inspection shall be made after trenches are excavated and the necessary forms erected;
2. Frame inspection shall be made after the roof, framing, fire-blocking, and backing are in place and all pipes, chimneys, and vents are complete; and
3. Final inspection shall be made after the building is completed and ready for occupancy.

B. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

SECTION 9-104: APPEAL FROM DECISION

In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the building inspector, that the time allowed for compliance with any order of the building inspector is too short, or that conditions peculiar to a particular building make it unreasonably difficult to meet the requirements prescribed by this chapter and by the building inspector, the owner, his or her agent, or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The 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 are assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to both the building inspector and the applicant.

SECTION 9-105: BARRICADES AND LIGHTS

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the City to have all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day and by warning lights at night during the time that such work is in progress. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this section and the building inspector shall stop all work until guards are erected and maintained as required.

Article 2 – Building Permits

SECTION 9-201: APPLICATION

A. Any person 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 building inspector and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the inspector 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, 17-1001)

SECTION 9-202: LIMITATION

If the work for which a permit has been issued shall not have begun within six months of the date thereof or if the construction is discontinued for a period of six months, the permit shall be void. Before work can be started or resumed, a new permit shall be obtained in the same manner and form as an original permit.

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: DEFINITION

“Building” shall mean a structure designated, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, industrial, institutional, assembly, educational, or recreational purposes. A building with less than the following dimensions shall not fall within this definition and shall not require a permit: 12 feet wide, 24 feet long, 15 feet high.

SECTION 9-302: APPLICATION

A. No person shall move any building over, along or across any highway, street or alley in the City without first obtaining a permit from the city clerk. Any person seeking issuance of a permit hereunder shall file an application with the city clerk. The application shall be made in writing upon a form provided by the city clerk, and shall be filed in that office.

B. The application shall set forth:

1. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms, and condition of exterior and interior.
2. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the City.
3. A legal description of the lot to which the subject building is to be moved, giving lot, block and tract number, if located in the City.
4. The portion of the lot to be occupied by the building when moved.
5. The highways, streets, and alleys over, along, or across which the building is proposed to be moved.
6. Proposed moving date and hours.
7. Any additional information which the city clerk shall find necessary for a fair determination of whether a permit should be issued.

C. The application shall be accompanied by the following documentation:

1. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any encumbrances and that all taxes and any city charges against the same are paid in full.

2. The applicant, if other than the owner, shall file with the application a bill of sale signed by the owner or other sufficient evidence that he or she is entitled to move the building.
3. The applicant shall file with the application a certificate of insurance providing coverage for both personal injury or property damage which might occur during the moving of said building. The minimum amount of coverage allowable shall be \$10,000.00 property damage coverage and \$10,000.00 personal injury coverage. The City Council may require coverage in greater amounts if deemed to be necessary.

D. The application shall be accompanied by a permit fee which shall be paid over by the city clerk to the city treasurer, who shall credit it to the general fund. Said fee shall be as set by resolution by the City Council and kept on file in the office of the city clerk.

E. There shall be no general permit issued to anyone to move buildings at will or generally within the City.

(Neb. Rev. Stat. §§60-6,288 through 60-6,291, 60-6,294, 60-6,298 through 60-6,301)

SECTION 9-303: DUTIES OF PERMITTEE

Every permittee under this ordinance shall:

A. Move the subject building only over streets designated for such use in the written permit.

B. Notify the city clerk in writing of any desired change in moving date or hours as proposed in the application.

C. Notify the city clerk in writing of any and all damage done to property belonging to the City within 24 hours after the damage or injury has occurred.

D. Erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building.

E. Cause red lights to be displayed during the night on every side of the building if necessary to leave it standing on the street overnight, in such a manner as to warn the public of the obstruction; and remove the building from the city streets after four days of such occupancy, unless an extension is granted by the mayor and council.

F. Comply with the building code, the fire zone, and any zoning ordinances now existing or hereinafter adopted and all other applicable ordinances and laws, if any, upon relocating the building in the City.

G. Within ten days from the removal of the building, remove all rubbish and materials and fill all excavations to existing grade at the original site so that the premises are left in a safe and sanitary condition.

H. See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to remove their services.

SECTION 9-304: 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 utility 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 9-305: COMPLETION OF MOVE

At such time as the building moving has been completed, the building inspector 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, 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, 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), most recent edition, published by the International Code Council, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the IBC shall be controlling throughout the City and throughout its zoning jurisdiction. One copy of the IBC shall be kept on file at the office of the city clerk and available for public inspection. (Neb. Rev. Stat. §§17-1001, 18-132, 19-922)

SECTION 9-402: PLUMBING CODE; ADOPTED BY REFERENCE

The Uniform Plumbing Code, most recent edition, published by the International Association of Plumbing and Mechanical Officials, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the Plumbing Code shall be controlling throughout the City and throughout its zoning jurisdiction. One copy of the Plumbing Code shall be kept on file at the office of the city clerk and available for public inspection. (Neb. Rev. Stat. §§17-1001, 18-132, 19-922)

SECTION 9-403: ELECTRICAL CODE; ADOPTED BY REFERENCE

The National Electrical Code, most recent edition, as recommended by the National Fire Protection Association, is hereby adopted and incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the electrical code shall be controlling throughout the City and throughout its zoning jurisdiction. One copy of the Electrical Code shall be kept on file at the office of the city clerk and available for public inspection. (Neb. Rev. Stat. §§17-1001, 18-132, 19-922)

Article 5 – Vacant Property Registration

(Ord. No. 2018-09-01, 9/3/18)

SECTION 9-501: DEFINITIONS

As used in this article, unless the context otherwise requires, the following definitions shall apply:

A. Evidence of vacancy shall mean any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential building or commercial building is vacant. Such conditions or circumstances may include, but are not limited to:

1. Overgrown or dead vegetation, including grass, shrubbery, and other plantings;
2. An accumulation of abandoned personal property, trash, or other waste;
3. Visible deterioration or lack of maintenance of any building or structure on the property;
4. Graffiti or other defacement of any building or structure on the property; or
5. Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes or being used for the operation of a lawful business;

B. "Owner" shall mean the person or persons shown to be the owner or owners of record on the records of the Boone County Register of Deeds;

C. "Residential building" shall mean a house, condominium, townhouse, apartment unit or building, or a trailer house;

D. "Vacant" shall mean that a residential building or commercial building exhibits evidence of vacancy.

SECTION 9-502: APPLICABILITY; ADMINISTRATION

A. This article shall apply to any type of either residential or commercial building, or both, located within the corporate limits of the City, except any property owned by the federal government, the State of Nebraska or any political subdivision thereof, or any property specifically referenced in Section 9-604.

B. The City shall maintain a database of vacant property within the corporate limits. Said database shall be maintained by the city administrator.

SECTION 9-503: PROCEDURE; FEES

A. Owners of vacant property, as defined in this article, shall be required to register such property with the city administrator if the property has been vacant for 180 days or longer. Registration shall be completed by the completion of a vacant property registration form in either paper or electronic form upon which the following information shall be required:

1. Name, street address, mailing address, telephone number, and, if applicable, the fax number and email address of the property owner and his or her agent;
2. Street address and parcel identification number of the vacant property;
3. Transfer date of the instrument conveying the property to the owner; and
4. Date on which the property became vacant;
5. Owner's plan of occupancy.

B. Owners of vacant property shall be required to pay an initial registration fee 180 days after initial registration of the vacant property pursuant to subsection (A) of this section or 360 days after the property becomes vacant, whichever is sooner. The initial registration fees for residential properties and commercial properties shall be as set by the City Council by resolution and kept on file in the office of the city clerk.

C. Owners of vacant property shall be required to pay an additional supplemental fee each year for as long as the property remains on the vacant property registration database. The supplemental fee shall be as set by the City Council by resolution and kept on file in the office of the city clerk. The maximum supplemental fee charged shall not exceed \$2,500.00.

SECTION 9-504: EXEMPTIONS

Vacant property that is advertised in good faith for sale or lease shall be exempt from the provisions of this article.

SECTION 9-505: INSPECTION AT REGISTRATION; YEARLY THEREAFTER

The city administrator or designee shall inspect the interior and exterior of the vacant property upon registration and at one-year intervals thereafter for so long as the property remains on the vacant property registration database.

SECTION 9-506: COLLECTION OF FEES AND FINES

A. The City may enforce the collection of vacant property registration fees by civil action in any court of competent jurisdiction.

B. Unpaid vacant property registration fees and unpaid fines for any violation of this article shall become a lien on the applicable property upon the recording of a notice

of such lien in the office of the county register of deeds. The lien created under this subsection shall be subordinate to all liens on the applicable property recorded prior to the time the notice of such lien under this subsection is recorded.

SECTION 9-507: OTHER PROVISIONS

A. If vacant property changes ownership, the subsequent owner(s) of the vacant property shall assume the obligations of the previous owner(s).

B. If at any time vacant property that has been registered with the database ceases to be classified as vacant or subsequently meets one of the exemptions, the owner(s) shall notify the city administrator, who shall remove said property from the database upon proof of such change in circumstances.

C. If the owner(s) of any property subject to this article object to any determination made by the City or the city administrator pursuant to this article, he/she/they may appeal said determination to the City Council

D. Notice of any determination made pursuant to this article shall be sent by certified mail to the registered owner at the address maintained in the office of the register of deeds. Any determination shall not take effect until ten days after the sending of said notice

Article 6 – Thermal Efficiency and Lighting

SECTION 9-601: ADOPTED BY REFERENCE; STANDARDS; NEED

The City of St. Edward 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 ensure coordination with federal policy under the Energy Conservation Standards for New Buildings Act of 1976, to promote the conservation of our dwindling energy resources and to provide for the public health, safety and welfare. Said standards have been adopted by the City and shall be kept on file in the office of the city clerk.

Article 7 – Floodplain Management

SECTION 9-701: ADOPTED BY REFERENCE; PURPOSE

A. A floodplain management ordinance has been adopted to promote the public health, safety, and general welfare and to minimize flood losses by applying its provisions to:

1. Restrict or prohibit construction which is dangerous to health, safety, or property in times of flooding or causes undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

B. Among other provisions, the ordinance regulates floodplain permits, application procedures, standards for construction, and variance procedures. It shall be kept on file in the office of the city clerk.

(Ord. No. 2023-08-02, 8/7/23)

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.