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## **CHAPTER 9 – BUILDING REGULATIONS**

### **Article 1 – Building Inspector**

#### **SECTION 9-101: POWERS AND AUTHORITY**

The building inspector shall be the city official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He or she may be removed at any time for good and sufficient cause by the City Council. In the event that the board fails to appoint a building inspector, the utilities superintendent shall be the building inspector ex officio. The duties of the building inspector shall be as follows:

A. He or she shall inspect all buildings repaired, altered, built or moved in the city as often as necessary to insure 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, at the direction of the City Council, issue permission to continue any construction, alteration or relocation when the board is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written order may be served by the mayor or designated agent.

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 of a building, 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. The records shall be available for public inspection and he or she shall prepare an annual report based on the records kept. He or she shall report to the City Council as often as may be deemed necessary.

E. He or she shall have such other duties and issue such permits as the board may direct.

#### **SECTION 9-102: RIGHT OF ENTRY**

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

**SECTION 9-103: TIME OF INSPECTION**

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

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

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

**SECTION 9-104: APPEAL FROM DECISION**

In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the building inspector, that the time allowed for compliance with any order of the building inspector is too short or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and by the building inspector, the owner, his or her agent or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The 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 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 mayor or designated agent or the building inspector shall stop all work until guards are erected and maintained as required.

**SECTION 9-106: APPROVAL OF PLANS, ETC.; CONFORMANCE WITH SPECIAL REGULATIONS**

A. A city official charged with the duty or responsibility of accepting or approving plans, specifications, plats, and reports shall not accept or approve plans, specifications, plats, or reports which have not been prepared in accordance with the Engineers and Architects Regulation Act.

B. A city official charged with the duty or responsibility of accepting or approving plans, specifications, geological maps, and reports shall not accept or approve plans, specifications, geological maps, or reports which have not been prepared in accordance with the Geologists Regulation Act.

(Neb. Rev. Stat. §81-3447, 81-3538) (Ord. No. 521, 7/7/98) (Am. by Ord. No. 528, 5/4/99)



## 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 structure, including fences of all kinds and sidewalks, or cause to same to be done within the corporate limits of the city and up to one mile in all directions of said corporate limits 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, architect, and contractor, and such other information as may be requested thereon.

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

C. The building inspector may issue the permit immediately if he or she determines that the proposed project conforms to all requirements for issuance of a permit and that delay in issuance of a permit will be deleterious to the health or welfare of the applicant or the citizens of Blue Hill or will unreasonably delay the project due to adverse weather conditions. Nothing herein shall require the issuance of a building permit prior to a repair of improvements to real estate, which repair does not alter or extend the outer dimensions of any existing improvement. Whenever there is a discrepancy between permit application procedure contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.

(Neb. Rev. Stat. §17-550, 17-1001) (Ord. No. 604, 2/7/06)

### SECTION 9-202: LIMITATION

A. If the work for which a permit has been issued shall not have begun within 12 months of the date thereof or if the construction is discontinued for a period of 12 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.

B. In case a project for which there is not a valid, unexpired building permit is initiated or continued, the City Council or law enforcement officials may institute any appropriate action or proceedings to prevent such unlawful initiation or continuance of such project or to restrain, correct, or abate such violation, to prevent the occupancy of the premises on which said violation occurred, or to prevent any illegal act or the conduct of business or use in or about such premises. Violators will be notified in writing, indicating the nature of the violation and ordering the action necessary to correct it. If action is required pursuant to this subsection, a special permit fee shall be due, in addition to any other applicable fees. Said fee shall be set by the City Council

by resolution and placed on file in the office of the city clerk.  
(Am. by Ord. No. 604, 2/7/06)

**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. (Neb. Rev. Stat. §18-1743)



## Article 3 – Building Moving

### SECTION 9-301: REGULATIONS

A. It shall be unlawful for any person, firm, or corporation to move or demolish 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 or demolition of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The city clerk shall refer moving applications to the city police for approval of the proposed route over which the said building is to be moved. Upon approval of the building inspector, the city clerk shall then issue the said permit; provided, if a variance is required, approval must be given by the City Council.

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

C. In the event it will be necessary for any licensed building mover or demolisher 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 or demolition operation. All expense of the said disconnection, removal, or related work shall be paid in advance unless such disconnection or work is furnished on different terms as provided in the said company's franchise.

D. Whenever the moving or demolition 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 or demolition operation shall be given to the various city officials in charge of the city utility departments who shall proceed on behalf of the city and at the expense of the applicant to make such disconnections and do such work as is necessary. See Section 7-416 for further provisions regarding property or wires of the city electric system.

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

### SECTION 9-302: COMPLETION OF MOVE OR DEMOLITION

At such time as the building moving or demolition 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 or demolition and whether any city laws have been violated during the said operation. Upon a satisfactory report from the city police, the clerk shall return the corporate surety bond, cash, or check depos-

ited 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**

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 2009 edition of the International Building Code (IBC) published by the International Code Council and printed in book or pamphlet form, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the International Building Code shall be on file at the office of the city clerk, available for public inspection during office hours. The provisions of the International Building Code shall be controlling throughout the city and throughout its zoning jurisdiction.

### **SECTION 9-402: PLUMBING CODE; ADOPTED BY REFERENCE**

To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection and uses of materials in the installation of plumbing and heating, the 2012 edition of the National Plumbing Code 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 National Plumbing Code shall be on file at the office of the city clerk, 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, 19-902, 19-922)

### **SECTION 9-403: ELECTRICAL CODE; ADOPTED BY REFERENCE**

The 2014 edition of the National Electrical Code, as recommended by the National Fire Protection Association, is hereby adopted and incorporated by reference as though printed in full herein insofar as said code does not conflict with state statutes. One copy of the current electrical code shall be on file at the office of the city clerk, 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. §18-132)

### **SECTION 9-404: HOUSING CODE; ADOPTED BY REFERENCE**

The 1997 edition of the Uniform Housing Code, printed by International Conference of Building Officials, is hereby adopted and incorporated by reference as though printed in full herein insofar as said code does not conflict with state statutes. One copy of the current housing code shall be on file at the office of the city clerk, 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. §18-132)



## **Article 5 – Floodplain Management**

### **SECTION 9-501: ADOPTED BY REFERENCE; PURPOSE**

A. Floodplain Management Ord. No. 725 was adopted on August 9, 2022, 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.
5. Regulate floodplain permits, application procedures, standards for construction, and variance procedures.

B. The ordinance shall be kept on file in the office of the city clerk.



## **Article 6 – Penal Provisions**

### **SECTION 9-601: VIOLATION: PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

### **SECTION 9-602: ABATEMENT OF NUISANCE**

Whenever a nuisance exists as defined in this chapter, the city may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Neb. Rev. Stat. §18-1720, 18-1722) (Am. by Ord. No. 552, 5/9/00)