

CHAPTER 9: BUILDING REGULATIONS

Article

- 1. BUILDING INSPECTOR**
- 2. BUILDING AND ZONING PERMITS**
- 3. BUILDING MOVING**
- 4. BARRICADES AND LIGHTS**
- 5. UNSAFE BUILDINGS**
- 6. PLUMBING CODE**
- 7. PENAL PROVISIONS**

ARTICLE 1: BUILDING INSPECTOR

§ 9-101 BUILDING INSPECTOR; POWER AND AUTHORITY.

The City Administrator as the Building Inspector shall be the Municipal Official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall inspect all buildings repaired, altered, built, or moved in the Municipality as often as necessary to insure compliance with all Municipal ordinances. He shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein including zoning and subdivision regulations of the Municipality. He shall issue permission to continue any construction, alteration, or relocation when he 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 twenty-four (24) hours. Such written order may be served by any Municipal Policeman or by the City Building Inspector, by personally delivering a copy to the property owner, or by leaving a copy at the property owners usual place of residence.

Upon receipt of an oral stop order, the property owner in question shall cause all work to cease upon the construction, alteration, or relocation in question; and if the oral stop order is followed by a written stop order within twenty-four (24) hours, no further work shall occur until disposition of an appeal under Section 9-102 of the Municipal Code. *(Amended by Ord. No. 314, 5/8/78)*

§ 9-102 BUILDING INSPECTOR; 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 the Building Inspector, the owner, his agent, or the occupant may file a notice of appeal within ten (10) days after the decision or order of the Building Inspector has been made. The Board of Adjustment shall sit and act as the Municipal Board of 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.

ARTICLE 2: BUILDING AND ZONING PERMITS

§ 9-201 ZONING PERMITS.

Any person desiring to commence or proceed to erect or construct, any building or dwelling shall file with the City Administrator an application for a zoning permit. The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor, and such other information as may be requested thereon. The application, plans, and specifications so filed with the City Administrator shall be checked and examined by the City Administrator and if they are found to be in conformity with the requirements of the zoning and subdivision regulations, the City Administrator shall issue the said applicant a permit. 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. *(Ref. 17-130 thru 17-132, 17-550, 17-1001 RS Neb.)*

§ 9-202 BUILDING PERMITS.

(1) Upon approval of an applicant's zoning permit, the applicant shall forthwith apply for a building permit before proceeding to erect, construct, repair, enlarge, demolish or relocate any building or dwelling. The procedure of filing for a building permit shall be the same as that of the zoning permit. The application for a building permit shall include a copy of the plans and specifications for the building to be erected, which shall detail the type of construction material to be used, together with a sketch of the proposed structure from an overhead view, and such other information as the City Administrator shall specify. Approval of the building permit shall be based on provisions of this Chapter and all other ordinances applicable thereto excluding the zoning and subdivision regulations which shall be applied only in the case of the zoning permit. Upon approval of the permit, the City Administrator shall issue the same to the applicant. The building permit fee shall be as follows:

1 - 500 sq. ft.	\$25.00
501 - 1000 sq. ft..	\$50.00
1001 - 1500 sq. ft..	\$75.00
1501 and above sq. ft..	\$100.00
Project requiring zoning change, code amendment, lot split, conditional use permit, or annexation.	Add \$50.00 per additional item
Sign, any cost.	\$25.00
Fence.05¢ per foot, \$25.00 minimum

Plainview - Building Regulations

(2) For any application filed after construction is started, the fee is double the rates stated in subsection (1) above, and construction shall be halted until permit is issued.

(3) A survey certified by a licensed surveyor, shall be required on any project exceeding a total cost of \$50,000.00, and in any other case where the Zoning Administrator deems lot lines to be uncertain. *(Amended by Ord. Nos. 410, 12/13/83; 725, 6/8/99; 785, 6/11/02; 805, 5/13/03)*

§ 9-202.01 BUILDING PERMITS; DUPLICATE TO COUNTY ASSESSOR.

Whenever a building permit is issued for the erection, alteration or repair, of any building within the Municipality's jurisdiction, and the improvement is two thousand five hundred (\$2,500.00) dollars or more, a duplicate of such permit shall be issued to the County Assessor. *(Ref. 18-1743 RS Neb.) (Ord. No. 333, 11/12/79) (Amended by Ord. No. 819, 3/9/04)*

§ 9-203 BUILDING AND ZONING PERMIT; LIMITATION.

If the work for which a permit has been issued shall not have begun within one (1) year of the date thereof, or if the construction shall be discontinued for a period of one (1) year, 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.

§ 9-204 BUILDING AND ZONING PERMITS; REQUIRED BEFORE ACTING.

The City Administrator shall be required to act with reasonable promptness on any application for a building or zoning permit. **BUT IN NO EVENT** shall work be started or continued on any project requiring a zoning or building permit until the applicant has all necessary permits in his possession. *(Ord. No. 315, 5/8/78)*

ARTICLE 3: BUILDING MOVING

§ 9-301 BUILDING MOVING; REGULATIONS.

It shall be unlawful for any person, firm, or corporation to move any building or structure within the Municipality without a written permit to do so. Application may be made to the City Administrator, 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 Administrator may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The City Administrator shall refer the said application to the Municipal Police for approval of the proposed route over which the said building is to be moved. Upon approval by the City Administrator he shall then issue the said permit; Provided, that a good and sufficient corporate surety bond, check, or cash in an amount set by motion of the Governing Body and conditioned upon moving said building without doing damage to any private or Municipal property is filed with the City Administrator prior to the granting of any permit. No moving permit shall be required to move a building that is ten (10') feet wide, or less, and twenty (20') feet long, or less, and when in a position to move, fifteen (15') feet high, or less. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall upon proper notice of at least twenty-four (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. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the Municipality, notice in writing of the time and route of the said building moving operation shall be given to the various Municipal officials in charge of the Municipal utility departments who shall proceed in behalf of the Municipality and at the expense of the mover to make such disconnections and do such work as is necessary. (*Ref. 39-6,177 to 39-6,180, 39-6,184, 77-1725 RS Neb.*)

§ 9-302 BUILDING MOVING; DEPOSIT.

At such time as the building moving has been completed, the Building Inspector shall inspect the premises as to the extent of damages, if any, resulting from the said relocation and whether any Municipal laws have been violated during the said operation. Upon a satisfactory inspection by the Building Inspector, the corporate surety bond, cash, or check shall be returned to the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the Governing Body may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater

than the amount of the deposit set by resolution of the Governing Body, as required herein, the Governing Body may recover such excess expense by civil suit or otherwise as prescribed by law.

ARTICLE 4: BARRICADES AND LIGHTS

§ 9-401 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 Municipality 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 Municipal Police or the Building Inspector shall stop all work until guards are erected and maintained as required.

ARTICLE 5: UNSAFE BUILDINGS

§ 9-501 UNSAFE BUILDINGS; DEFINITION.

(1) The term "unsafe building" as used in this Article is hereby defined to mean and include any building, shed, fence, or other manmade structure:

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

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

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

(2) Specifically within the business district "Fire Limits" as defined by Section 7-203 of this Code, special requirements shall be imposed in the definition of Unsafe Buildings. Due to the special risks to public health and safety in such area, and the value to the community in preserving the overall integrity of structures therein, within the Fire Limits, the definition of "Unsafe" shall include any structure which contains or is subject to one or more of the following conditions:

(a) Broken or cracked exterior glass in windows, doors, or any other glassed area;

(b) Loose or broken exterior surfaces of any nature that no longer provide a sound wall, or create a risk of injury to the public or to surrounding structures;

(c) Insecure doors or windows, which may allow entry to the structure by unauthorized parties, whether adults or minors;

(d) Leaks in the roof, which allow water from any type of precipitation to enter the interior of the building or neighboring structures having common walls, and thereby damage or increase the risk of damage to any interior property, or the basic structure of the subject building or neighboring structures;

(e) Failure of the owner, tenants, or an assigned agent of either of them, to inspect the inside of the subject premises, no less frequently than once each calendar month, and make reasonable provision to avoid deterioration thereof and correct any structural defects, fire hazards or other hazards that may have arisen during the preceding month.

(3) Any such unsafe building in the Municipality is hereby declared to be a nuisance. (*Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.*) (*Amended by Ord. No. 731, 2/10/2000*)

§ 9-502 UNSAFE BUILDINGS; PROHIBITION.

It shall be unlawful to maintain or permit the existence of any unsafe building in the Municipality and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy such building or permit it to be occupied while it is in an unsafe condition. (*Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.*)

§ 9-503 UNSAFE BUILDINGS; DETERMINATION AND NOTICE.

Whenever the building inspector, the fire official, the health official, or the Governing Body shall be of the opinion that any building or structure in the Municipality is an unsafe building, he shall file a written statement to this effect with the Municipal Clerk. The Clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of such determination in the office of the County Register of Deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. Such notice shall state that the building has been declared to be in an unsafe condition; and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied within sixty (60) days from the date of receipt. Such notice may be in the following terms:

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

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

"You must remedy this condition or demolish the building within sixty (60) days from the date of receipt of this notice or the Municipality will proceed to do so. Appeal of this determination may be made to the Governing Body, acting as the Board of Appeals, by filing with the Municipal Clerk within ten (10) days from the date of receipt of this notice a request for a hearing."

If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists within ten (10) days from the time when this notice is served upon such person by personal service or certified mail, the Building Inspector may, upon orders of the Governing Body, proceed to remedy the condition or demolish the unsafe building. (*Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.*)

§ 9-504 UNSAFE BUILDINGS; HEARING AND APPEAL.

Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may in writing to the Municipal Clerk request a hearing before the Governing Body, sitting as the Board of Appeals, to present reasons why the building should not be repaired or

demolished. The Governing Body shall grant such hearing within ten (10) days from the date of receiving the request. A written notice of the Governing Body's decision following the hearing shall be sent to the property owner by certified mail. If the Governing Body rejects the appeal, the owner shall have five (5) days from the sending of the decision to begin repair or demolition and removal. If after the five (5) day period the owner has not begun work, the Governing Body shall proceed to cause such work to be done; provided, the property owner may appeal such decision to the appropriate court for adjudication during which proceedings the decision of the Governing Body shall be stayed. Where the Municipality has not adopted a building code, the statutes of Nebraska relating to bonded indebtedness and collection of delinquent taxes shall apply. (*Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.*)

§ 9-505 UNSAFE BUILDINGS; EMERGENCY.

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

§ 9-506 UNSAFE BUILDINGS; SPECIAL ASSESSMENTS.

If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the Municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Municipality 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 Governing Body. The Governing Body may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. (*Ref. 18-1720, 18-1722, 18-1722.01, 77-1725 RS Neb.*) (*Amended by Ord. No. 537, 2/12/91*)

ARTICLE 6: PLUMBING CODE

§ 9-601 PLUMBING CODE; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX.

Any pipe, solder or flux used in the installation or repair of any residential or non-residential facility which is connected to the public water supply system shall be lead free.

For purposes of this Section, lead free shall mean:

- 1) Solders and flux - not more than two-tenths (.2%) percent lead, and
- 2) Pipe and pipe fittings - not more than eight (8%) percent lead.
(Ref. 71-5301 RS Neb.) (Ord. No. 488, 5/10/88)

ARTICLE 7: PENAL PROVISIONS

§ 9-701 VIOLATION; PENALTY.

(Repealed by Ord. No. 744, 7/11/00)

For penalty provisions, see section 12-101 of Chapter 12.

§ 9-702 ABATEMENT OF NUISANCE.

(Repealed by Ord. No. 744, 7/11/00)

For penalty provisions, see section 12-101 of Chapter 12.

