

CHAPTER 9 - BUILDING REGULATIONS

Article 1. Building Inspector

§9-101. BUILDING INSPECTOR; POWER AND AUTHORITY. 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 at the direction of the Governing Body, all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He shall at the direction of the Governing Body, issue permission to continue any construction, alteration, or relocation when the Governing Body 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 (1) hour. Such written order may be served by any Municipal Policeman. In the event that the Governing Body fails to appoint a Building Inspector, the Administrator shall be the Building Inspector ex officio. (*Ref. 17-107 RS Neb.*)

§9-102. BUILDING INSPECTOR; 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.

§9-103. BUILDING INSPECTOR; TIME OF INSPECTION. The Building Inspector, 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 agent that the work fails to comply with the requirements of the Municipal Code: Foundation Inspection shall be made after trenches are excavated and the necessary forms erected; Frame Inspection shall be made after the roof, framing, fire-blocking, and backing is in place and all pipes, chimneys, and vents are complete; and Final Inspection shall be made after the building is completed and ready for occupancy. It shall be unlawful for any person to do work, or cause work to be done beyond the point indicated in each successive inspection without the written approval of the Building Inspector.

§9-104. 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 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.

§9-105. BUILDING INSPECTOR; 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 2. Building Permits

§9-201. BUILDING PERMITS. 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 Municipal Clerk an application for a building 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 Municipal Clerk shall be checked and examined by the Governing Body and if they are found to be in conformity with the requirements of this Chapter and all other ordinances applicable thereto, the Governing Body shall authorize the Municipal Clerk to issue the said applicant a permit. (*Ref. 17-130 thru 17-132, 17-550, 17-1001 RS Neb.*)

§9-202. BUILDING 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.

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 Municipal 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 Governing Body 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 Municipal Clerk shall refer the said application to the Utilities Superintendent for approval of the proposed route over which the said building is to be moved. Upon approval of the Governing Body, the Municipal Clerk 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 Municipal Clerk prior to the granting of any permit. 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 utility departments who in behalf of the Municipality and at the expense of the mover to make such disconnections as is necessary. (*Ref. 17-142, 77-1725 RS Neb.*)

Article 4. Unsafe Buildings

§9-401. UNSAFE BUILDINGS; DEFINITION. The term "unsafe building" as used in this Article is hereby defined to mean and include any building, shed, fence, or other man-made structure (a) which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures; (b) which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard;(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. Any such unsafe building in the Municipality is hereby declared to be a nuisance.

§9-402. 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.

§9-403. 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 Board of Adjustment, 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.

§9-404. 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 Board of Adjustment, 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 properly 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.

§9-405. 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.

§9-406. 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. 389, 1/8/91*)

Article 5. Adopted Codes

§9-501. 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 National Building Code, 1955 Edition, recommended by the American Insurance Association, and printed in book or pamphlet form is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska. One (1) copy of the Building Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the Building Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.*)

§9-502. 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 Uniform Housing Code, 1961 Edition, published by the International Conference of Building Officials, and printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska. One (1) copy of the Housing Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the Housing Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref. 17-1001, 18-132, 19-901, 19-922 RS Neb.*)

§9-503. 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 National Plumbing Code, 1955 Edition, published by the American Society of Mechanical Engineers, and printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska. One (1) copy of the Plumbing Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the Plumbing Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.*)

§9-503.1. PLUMBING CODE; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX. Any pipe, solders 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. 367, 12/6/88)

§9-504. 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 National Electric Code, latest approved edition, as recommended and published by the National Fire Protection Association, and printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One (1) copy of the Electrical Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the Electrical Code shall be controlling throughout the Municipality and throughout its zoning Jurisdiction. *(Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.)*

Article 6. Awnings, Signs and Billboards

§9-601. AWNINGS; IN SIDEWALK SPACE, BUILDING PERMITS FOR MARQUEES REQUIRED. All awnings hereafter erected or suffered to remain in the sidewalk space shall be of canvas on iron frames. All awnings shall be elevated at least six and one half (6") feet at their lowest part from the top of the public sidewalk and shall not project over said sidewalk to exceed three-fourths (3/4) of the width thereof. They shall be supported without posts by iron brackets or by an iron framework attached firmly to the building, so as to leave the sidewalk wholly unobstructed thereby; provided, nothing therein shall be construed to prevent the owner of any building from constructing a substantial awning or marquee of noncombustible material supported without posts over the sidewalk space if located flush with the outer edge thereof and if a building permit shall have first been secured for the construction of the same. (*Ref. 17-131, 17-555 RS Neb.*)

§9-602. SIGNS; PROJECTING BEYOND LOT LINE. It shall be unlawful for any person to place or hang any commercial or business sign or advertisement, whether illuminated or not, upon or in such manner as to project wholly or in part over any street, avenue, alley or sidewalk of the City of Red Cloud or to permit any such sign owned by them to so remain except as hereinafter provided. (*Ref. 17-131, 17-555 RS Neb.*)

§9-603. SIGNS; CONSTRUCTION, MAINTENANCE, APPLICATION, PERMITS, SIGN INSPECTION, REMOVAL OF UNSAFE SIGNS. Any person wishing to erect and maintain any sign upon or projecting wholly or in part over any street, avenue, alley or sidewalk shall file in the office of the City Clerk a written application for a permit to do so, giving full information as to size, weight and character of the sign and the distance it will project outside the lot line, together with drawings or other data showing the method of securing and fastening the same. The City Clerk shall forthwith refer said application to the Utilities Superintendent and if said Utilities Superintendent shall find that such sign is or will be of reasonable size, safe and secure, and not a menace to the public passing along such thoroughfare, and that the building to which it is or will be attached is of sufficient strength and size safely to support the sign, he shall endorse his findings on said application to that effect. The City Clerk shall then refer said application to the Mayor and Council at the next regular meeting and said Council may direct the City Clerk to grant such permit; otherwise, it shall refuse same. Any such permit shall be revocable at any time by the Council for cause. All such signs shall be inspected under the direction of the Utilities Superintendent and if it appears that any sign is insecure or unsafe, it shall be ordered orally or by notice in writing to be made safe or removed forthwith by the person maintaining such sign, or the Utilities Superintendent shall cause the same to be removed as an unlawful sign as provided in the next succeeding Section. (*Ref. 17-131, 17-555, 69-1701, 69-1702 RS Neb.*)

§9-604. SIGNS; REMOVAL OF UNLAWFUL SIGN, OBSOLETE AND DEAD SIGNS. Every sign or advertisement erected or maintained in conflict with the provisions of this Article is hereby declared to be a public nuisance and shall be removed by the Utilities Superintendent or any Police Officer by order of said Utilities Superintendent at the expense of the owner of the building or his agent or tenant, to which said sign is attached; or at the expense of either of them, after notice in writing to them or either of them to remove such sign shall have been given to them or either of them. All such commercial signs where the owner or lessee has moved or is out of business, and any such sign which has become dead or valueless for advertising purposes are hereby declared to be public nuisances and shall be removed as hereinbefore provided. (*Ref. 17-131, 17-555, 69-1701, 69-1702 RS Neb.*)

§9-605. BILLBOARDS; BARRED FROM STREETS, AVENUES AND ALLEYS. It shall be unlawful for any person to construct or maintain any billboard, signboard, and similar structures of any nature, kind or size in or upon any of the streets, avenues or alleys of the City of Red Cloud, Nebraska. (*Ref. 17-131, 17-555, 69-1701 RS Neb.*)

§9-606. BILLBOARDS; STREETS, OBSTRUCTING, PROHIBITED. It shall be unlawful for any person to erect any billboard upon private property, along any street, avenue or alley, within the corporate limits of the City of Red Cloud, in such manner as to prevent the free use of all of the streets, avenues or alleys adjacent thereto, or along which billboards are erected. (*Ref. 17-131, 17-555, 69-1702 RS Neb.*)

§9-607. BILLBOARDS; VIEW, OBSTRUCTING, PROHIBITED. It shall be unlawful for any person, firm or corporation to erect any billboard along any street, avenue or alley within the corporate limits of the City of Red Cloud, so as to obstruct the view of or from any residence in said City. (*Ref. 17-131, 17-555, 69-1702 RS Neb.*)

§9-608. BILLBOARDS; ERECTION; PERMIT REQUIRED. Before any person shall be allowed to erect any billboard along any street, avenue or alley, or adjacent thereto, within the corporate limits of the City of Red Cloud, he shall secure a permit from the City Council of said City to erect said billboard, and said billboard shall be built under the supervision of the Utilities Superintendent of said City. Whenever any billboard, within the corporate limits of the City of Red Cloud now constructed or built hereafter by reason of its location, becomes a menace to the free use of any sidewalk or that part of the streets, avenues or alleys, set aside for the use of pedestrians, it shall be the duty of the City Council to declare it a nuisance and cause the person owning the same to remove it, and on his refusal or neglect to comply with said order within the period of five (5) days, it shall be the duty of the Chief of Police to cause the same to be removed, and such expense of removing said billboard shall be charged to the owners thereof, and collected the same as any debt or liability. (*Ref. 17-131, 17-555, 17-557.02, 18-1720, 69-1702 RS Neb.*)

Article 7. Penal Provisions

§9-701. VIOLATION; PENALTY. *(Repealed by Ord. No. _____, 1-08-05. See §12-101)*

§9-702. ABATEMENT OF NUISANCE. Whenever a nuisance exists as defined in this Chapter, the Municipality 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. *(Ref. 18-1720, 18-1722 RS Neb.)*