

CHAPTER 9 – BUILDING REGULATIONS

ARTICLE 1 – BUILDING INSPECTOR

- 9-101 POWER AND AUTHORITY**
- 9-102 RIGHT OF ENTRY**
- 9-103 PERMIT CARD**
- 9-104 TIME OF INSPECTION**
- 9-105 APPEAL FROM DECISION**

ARTICLE 2 – PLANS, REPORTS, AND BUILDING PERMITS

- 9-201 PLANS, SPECIFICATIONS, PLATS, AND REPORTS; CITY OFFICIALS; DUTY**
- 9-202 REQUIRED**
- 9-203 LIMITATION**
- 9-204 DUPLICATE TO COUNTY ASSESSOR**
- 9-205 CERTIFICATES OF OCCUPANCY**
- 9-206 COMPLAINTS REGARDING VIOLATIONS**
- 9-207 REMEDIES**

ARTICLE 3 – BUILDING MOVING, CONSTRUCTION, AND DEMOLITION

- 9-301 BUILDING MOVING; REGULATION**
- 9-302 BUILDING MOVING; DEPOSIT**
- 9-303 BUILDING CONSTRUCTION, DEMOLITION, AND MOVING; BARRICADES AND LIGHTS**

ARTICLE 4 – UNSAFE BUILDINGS

- 9-401 DEFINITION**
- 9-402 PROHIBITION**
- 9-403 DETERMINATION AND NOTICE**
- 9-404 HEARING AND APPEAL**
- 9-405 EMERGENCY**
- 9-406 SPECIAL ASSESSMENTS**

ARTICLE 5 – STANDARD CODES

- 9-501 RESIDENTIAL CODE; ADOPTED BE REFERENCE**
- 9-502 EXISTING BUILDING CODE; ADOPTED BY REFERENCE**
- 9-503 BUILDING CODE; ADOPTED BY REFERENCE**
- 9-504 ENERGY CODE; ADOPTED BY REFERENCE**
- 9-505 PLUMBING CODE; ADOPTED BY REFERENCE**
- 9-506 MECHANICAL CODE; ADOPTED BY REFERENCE**
- 9-507 ELECTRICAL CODE; ADOPTED BY REFERENCE**

9-508 PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE

ARTICLE 6 – PENAL PROVISIONS

9-601 VIOLATION; PENALTY

9-602 ABATEMENT OF NUISANCE

CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Inspector

§9-101 POWER 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 shall inspect all buildings repaired, altered, built, or moved in the City as often as necessary to insure compliance with all city ordinances. He shall have the power and authority, at the direction of the City Council, to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He shall, at the direction of the 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. Such written order may be served by any City Policeman. In the event that the City Council fails to appoint a Building Inspector, the Chief of Police shall be the Building Inspector ex officio.

§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.

§9-103 PERMIT CARD

Upon the issuance of a building permit, the Building Inspector shall furnish to the applicant a permit card which shall be a distinctive color and shall contain the nature of the work, the location of the building, the number of the permit, and the date of issuance. The said card shall be prominently displayed on the principal frontage of the building site close to or upon the building or structure and shall so remain until the final inspection has been made.

§9-104 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 City 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. 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.

§9-105 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 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.

Article 2 – Plans, Reports, and Building Permits

§9-201 PLANS, SPECIFICATIONS, PLATS, AND REPORTS; CITY OFFICIALS; DUTY

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. (Neb. Rev. Stat. §81-3447)

§9-202 REQUIRED

(1) Permits shall be required as indicated in this section.

(a) Any person desiring to commence or proceed to erect, construct, repair, enlarge, alter, change the occupancy use classification of, demolish, or relocate any building or dwelling or erect, construct, install, or alter any sign, fence, or swimming pool or cause the same to be done shall file with the Zoning Administrator an application for a building permit. The application shall be in writing on a form to be furnished by the Zoning Administrator for that purpose. Every application shall set forth the legal description of the land upon which the construction is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the name(s) of the owner, architect, and contractor, and such other information as may be requested thereon. The application, plans, survey and specifications so filed shall be checked and examined by the Zoning Administrator, who shall either approve or disapprove the application within 30 days of receipt of the application and all required documents. If they are found to be in conformity with the requirements of this article and all other ordinances thereto, upon the payment of the required fee or fees the Zoning Administrator shall issue the applicant a permit and shall affix his or her signature to the permit and the plans and mark the plans "Approved." Upon disapproval of the application, the Zoning Administrator shall refuse to issue the permit and shall state in writing on the plans the reasons for disapproval, affix his or her signature and mark the plans "Disapproved." Whenever there is a discrepancy between the permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern. An appeal from the approval or disapproval, based upon zoning compliance, of any application shall be made to the Board of Adjustment in writing within 10 days after the determination of the Zoning Administrator has been made.

(b) Any person desiring to commence or proceed to erect, install, enlarge, alter, repair, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by the current adopted code applicable to that project, or cause the same to be done shall file with the Zoning Administrator an application for a mechanical or plumbing permit. The application shall be in writing on a form to be furnished by the Administrator for that purpose. All applications shall set forth the address and legal description of the property upon which the proposed project is to take place, the nature of the project, the estimated cost, the name(s) of the owner and contractor, and such other information as may be requested thereon.

(2) All building permit applications to erect, construct, enlarge, alter, repair, improve, change the occupancy use classification of, or convert, any building or structure as indicated in subsection (1)(a) of this section, other than one- and two-family dwellings and apartment buildings containing four or fewer living units and buildings or structures accessory thereto, shall be accompanied by a Nebraska State Fire Marshal Plan Review, a Nebraska Department of Environmental Quality Onsite Wastewater Construction Permit, if applicable, and any other required county, state or federal permits that may be relevant to the proposed project. The Zoning Administrator shall not issue a building permit until such time as all additional required permit approvals and/or plan review documentation have been provided to the Building Department.

(Neb. Rev. Stat. §17-550, 17-1001, 19-922) (Am. by Ord. No. 1062, 5/15/08)

§9-203 LIMITATION

If the work for which a building, plumbing, or heating permit has been issued has not received a certificate of occupancy during the applicable time period set forth below, the Zoning Administrator shall require that a new permit be issued. The new permit shall be computed according to the then current rate schedule. The time allowance shall begin from the date the permit was issued.

(1) \$0 - \$25,000 construction cost 12 months

(2) \$250,000 construction cost and above 18 months

(Am. by Ord. No. 893, 12/7/00)

§9-204 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 \$1,000.00 or more, a duplicate of such permit shall be issued to the County Assessor. (Neb. Rev. Stat. §18-1743)

§9-205 FEES

Before issuing any permit for the erection of any new building or for any alteration or remodeling of any building, the City shall charge and collect fees for said permits based upon construction costs. Construction costs shall be computed according to the schedule adopted by the City Council and placed on file at the office of the City Clerk for public inspection during office hours.

§9-206 CERTIFICATES OF OCCUPANCY

(1) No building, structure, or land shall be used or occupied in whole or in part nor shall any change made in the use or type of occupancy of an existing building or structure requiring a building permit nor shall any change be made in the use of land, except to any use which is primarily agricultural, unless a certificate of occupancy shall be issued by the Zoning Administrator in accordance with this section.

(2) Upon request, the Zoning Administrator may issue a partial certificate of occupancy for a period not to exceed 90 days for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.

(3) Every application for a certificate of occupancy shall be made by the owner or his agent and shall be accompanied by an affidavit of the owner, registered architect, licensed professional engineer, or superintendent of construction, who shall state that he has examined the approved plans of the structure, that the structure has been erected in accordance with the approved plans, and that it complies with this section and all local codes and ordinances governing building construction, including subdivision regulations. The application and affidavit shall be filed with the Zoning Administrator.

(4) Before issuing a certificate of occupancy, the Zoning Administrator shall examine every building, structure, or site for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish, or change the use or occupancy. The Zoning Administrator shall maintain a record of all examinations and inspections, together with a record of findings of violations of the law.

(5) A certificate of occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect so long as such building or land is used as authorized in the certificate of occupancy.

(6) A certificate of occupancy deposit shall be collected upon the issuance of all building permits for the erection of any new building or enlargement, alteration or relocation of any existing building with a computed total construction cost in excess of \$30,000. The certificate of occupancy deposit shall be immediately deposited in an account with the City and be held in said account until such time as the stated unoccupied improvement has successfully passed a final inspection and been approved for occupancy. Upon final inspection approval of the unoccupied improvement, the City shall refund the deposit to the depositor. If occupancy has taken place prior to final inspection approval by the Building Inspector, the certificate of occupancy deposit shall be retained in full by the City. For multiple projects by one owner or builder, one certificate of occupancy deposit shall be required but if said deposit is forfeited for any reason, no further inspections shall be made on any of that owner or builder's projects until an additional certificate of occupancy deposit has been deposited with the City.

(Am. by Ord. No. 953, 12/5/02)

§9-207 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this article occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He or she shall record properly such complaint, immediately investigate, and take action thereon as provided by this article.

§9-208 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this article, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

Article 3 – Building Moving, Construction, and Demolition

§9-301 BUILDING MOVING; REGULATIONS

(1) 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 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 Clerk shall refer the said application to the City Police for approval of the proposed route over which the said building is to be moved. Upon approval of the City Council, the City Clerk shall then issue the said permit; provided, a good and sufficient corporate surety bond, check, or cash in an amount set by motion of the City Council and conditioned upon moving said building without doing damage to any private or city property is filed with the City Clerk prior to the granting of any permit.

(2) No moving permit shall be required to move a building that is ten feet wide or less and 20 feet long or less and, when in a position to move, 15 feet high or less.

(3) 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 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.

(4) 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 city 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.

(Neb. Rev. Stat. §60-6,288 to 60-6,299)

§9-302 BUILDING MOVING; DEPOSIT

At such time as the building moving has been completed, the City Police 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 City Police, 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 set by the City Council, as required herein, the Council may recover such excess expense by civil suit or otherwise as prescribed by law.

**§9-303 BUILDING CONSTRUCTION, DEMOLITION, AND MOVING;
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 City Police or the Building Inspector shall stop all work until guards are erected and maintained as required.

Article 4 – Unsafe Buildings

§9-401 DEFINITION

The term "unsafe building" as used in this article is hereby defined to mean and include any building, shed, fence, or other manmade structure (1) 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 its occupants or those of neighboring structures; (2) 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; (3) 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 City is hereby declared to be a nuisance. (Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

§9-402 PROHIBITION

It shall be unlawful to maintain or permit the existence of any unsafe building in the City 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. (Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

§9-403 DETERMINATION AND NOTICE

(1) Whenever the Building Inspector shall be of the opinion that any building or structure in the City is an unsafe building, he shall file a written statement to that effect with the City Clerk. The Clerk shall thereupon cause the property to be posted accordingly, 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, 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 60 days from the date of receipt. Such notice may be in the following terms:

"To (owner-occupant of premises) of the premises 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 60 days from the date of receipt of this notice or the City will proceed to do so. Appeal of this determination may be made to the City Council, acting as the Board of Appeals, by filing with the City Clerk within ten days from the date of receipt of this notice a request for a hearing."

(2) If the person receiving the notice has not complied therewith within 60 days from the date of receipt of such notice or taken an appeal from the determination finding that a dangerous building exists within ten 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 City Council, proceed to remedy the condition or demolish the unsafe building.

(Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

§9-404 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 City Clerk request a hearing before the City Council, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The Council shall grant such hearing within ten days from the date of receiving the request. A written notice of the Council's decision following the hearing shall be sent to the property owner by certified mail. If the City Council rejects the appeal, the owner shall have 60 days from the sending of the decision to begin repair or demolition and removal. If after the 60-day period the owner has not begun work, the Council 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 City Council shall be stayed. Where the City has not adopted a building code, state statutes relating to bonded indebtedness and collection of delinquent taxes shall apply. (Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

§9-405 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 City may summarily repair or demolish and remove such building or structure.

§9-406 SPECIAL ASSESSMENTS

If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the City to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, 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. The Council may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located 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. Any such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments. (Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

Article 5 – Standard Codes

§9-501 RESIDENTIAL CODE; ADOPTED BY REFERENCE

(1) For regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress, and accessory buildings and structures thereto as herein provided, each and all of the regulations, provisions, penalties, conditions and terms of the 2003 International Residential Code, including Appendix Chapters E, "Manufactured Homes Used as Dwellings;" G, "Swimming Pools, Hot Tubs and Spas;" H, "Patio Covers;" and J, "Existing Buildings," as the same may be revised from time to time, published by the International Code Council 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; provided, however, any modular or manufactured home shall be permitted if it bears the appropriate label certifying that it was built in compliance with *National Manufactured Housing Construction and Safety Standards*, 24 C.F.R. 3280 et seq. promulgated by the United States Department of Housing and Urban Development or issued by the Nebraska Department of Health and Human Services or Public Service Commission, having satisfied the following criteria:

- (a) The home shall have no less than 900 square feet of floor area;
- (b) The home shall have no less than an 18-foot exterior width;
- (c) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
- (d) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
- (e) The home shall have non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock;
- (f) The home shall be permanently placed upon a permanent continuous foundation conforming with the applicable Building Code of the City of Ashland and have wheels, axles, transporting lights, and removable towing apparatus removed; and
- (g) The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2003 International Residential Code, and those revisions presently desired by the City are found in Supplement 9-501(2). One copy of the 2003 International Residential Code and Supplement 9-501(2) is on file at the office of the City Clerk and is available for public inspection at any reasonable time. The provisions of the 2003 International Residential Code and sup-

plements shall be controlling throughout the City and throughout its zoning jurisdiction.
(Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. by Ord. No. 979, 3/18/04)

§9-502 EXISTING BUILDING CODE; ADOPTED BY REFERENCE

(1) For regulating and governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings, including historic buildings, as herein provided, each and all of the penalties, conditions and terms of the 2003 International Existing Building Code, as the same may be revised from time to time, published by the International Code Council 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.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2003 International Existing Building Code, and those revisions presently desired by the City are found in Supplement 9-502(2). One copy of the 2003 International Existing Building Code and Supplement 9-502(2) is on file at the office of the City Clerk and is available for public inspection at any reasonable time. The provisions of the 2003 International Existing Building Code and supplements shall be controlling throughout the City and throughout its zoning jurisdiction.

(Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. by Ord. No. 979, 3/18/04)

§9-503 BUILDING CODE; ADOPTED BY REFERENCE

(1) For regulating and governing the conditions and maintenance of all other property, buildings and structures not specifically identified in Sections 9-501 and 9-502, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; for the condemnation of buildings and structures unfit for human occupancy and use; and for the demolition of such existing structures as herein provided, each and all of the regulations, provisions, penalties, conditions and terms of the 2003 International Building Code, including Appendix Chapter G, "Flood Resistant Construction," as the same may be revised from time to time, published by the International Code Council 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.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2003 International Building Code, and those revisions presently desired by the City are found in Supplement 9-503(2). One copy of the 2003 International Building Code and Supplement 9-503(2) is on file at the office of the City Clerk and is available for public inspection at any reasonable time. The provisions of the 2003 International Building Code and supplements shall be controlling throughout the City and throughout its zoning jurisdiction.

(Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. by Ord. No. 979, 3/18/04)

§9-504 ENERGY CODE; ADOPTED BY REFERENCE

(1) For regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided, each and all of

the regulations, provisions, penalties, conditions and terms of the 2003 International Energy Conservation Code, as the same may be revised from time to time, published by the International Code Council 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.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2003 International Energy Code, and those revisions presently desired by the City are found in Supplement 9-504(2). One copy of the 2003 International Energy Conservation Code and Supplement 9-504(2) is on file at the office of the City Clerk and is available for public inspection at any reasonable time. The provisions of the 2003 International Energy Conservation Code and supplements shall be controlling throughout the City and throughout its zoning jurisdiction.

(Neb. Rev. Stat. §17-1001, 18-13219-902, 19-922) (Am. by Ord. No. 979, 3/18/04)

§9-505 PLUMBING CODE; ADOPTED BY REFERENCE

(1) For regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the plumbing systems as herein provided, each and all of the regulations, provisions, penalties, conditions and terms of the 2003 International Plumbing Code, including Appendix Chapter E, "Sizing of Water Piping System," as the same may be revised from time to time, published by the International Code Council 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.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2003 International Plumbing Code, and those revisions presently desired by the City are found in Supplement 9-505(2). One copy of the 2003 International Plumbing Code and Supplement 9-505(2) is on file at the office of the City Clerk and is available for public inspection at any reasonable time. The provisions of the 2003 International Plumbing Code and supplements shall be controlling throughout the City and throughout its zoning jurisdiction.

(Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Ord. No. 979, 3/18/04)

§9-506 MECHANICAL CODE; ADOPTED BY REFERENCE

(1) For regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the mechanical systems as herein provided, each and all of the regulations, provisions, penalties, conditions and terms of the 2003 International Mechanical Code, including Appendix Chapter A, "Combustion Air Openings and Chimney Connectors," as the same may be revised from time to time, published by the International Code Council 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.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2003 International Mechanical Code, and those revisions presently desired by the City are found in Supplement 9-506(2). One copy of the 2003 International Mechanical Code and

Supplement 9-506(2) is on file at the office of the City Clerk and is available for public inspection at any reasonable time. The provisions of the 2003 International Mechanical Code and supplements shall be controlling throughout the City and throughout its zoning jurisdiction.

(Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Ord. No. 979, 3/18/04)

§9-507 ELECTRICAL CODE; ADOPTED BY REFERENCE

To provide minimum standards, provisions, and requirements for safe and fireproof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances, the National Electrical Code, 2002 Edition, 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 2002 National Electrical Code is on file at the office of the City Clerk and is available for public inspection at any reasonable time. The provisions of the 2002 National Electrical Code shall be controlling throughout the City and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Ord. No. 979, 3/18/04)

§9-508 PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE

(1) For regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and providing for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided, each and all of the regulations, provisions, penalties, conditions and terms of the 2003 International Property Maintenance Code, as the same may be revised from time to time, published by the International Code Council 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.

(2) The City reserves the right to adopt additions, insertions, deletions and changes to the 2003 International Property Maintenance Code, and those revisions presently desired by the City are found in Supplement 9-508(2). One copy of the 2003 International Property Maintenance Code and Supplement 9-508(2) is on file at the office of the City Clerk and is available for public inspection at any reasonable time. The provisions of the 2003 International Property Maintenance Code and supplements shall be controlling throughout the City and throughout its zoning jurisdiction.

(Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Ord. No. 979, 3/18/04)

Article 6 – Penal Provisions

§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. (Am. by Ord. No. 870, 5/3/00)

§9-602 ABATEMENT OF NUISANCE

(1) 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.

(2) 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)