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CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Administrator

SECTION 9-101: POWER AND AUTHORITY

The Building Administrator shall be the village official who shall have the duty of enforcing all building and housing regulations as herein prescribed. The Building Administrator shall: (A) inspect all buildings repaired, altered, built, or moved in the Village as often as necessary to insure compliance with all village ordinances; (B) have the power and authority, at the direction of the Village Board, to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein; (C) at the direction of the Village Board, 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 Building Administrator.

SECTION 9-102: RIGHT OF ENTRY

It shall be unlawful for any person to refuse to allow the Building Administrator 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

The Building Administrator, 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: (A) foundation inspection shall be made after trenches are excavated and the necessary forms erected; (B) 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 (C) 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 Administrator.

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 Administrator; that the time allowed for compliance with any order of the Building Administrator 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 Administrator, the owner, his

agent, or the occupant may file a notice of appeal within ten days after the decision or order of the Building Administrator has been made. The Village Board shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the Building Administrator. 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 Administrator and the applicant.

SECTION 9-105: PLANS, SPECIFICATIONS, PLATS, AND REPORTS

The village 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)**

Article 2 – Building Permits

SECTION 9-201: BUILDING PERMITS REQUIRED

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 Village 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. The application, plans, and specifications so filed with the Village Clerk shall be checked and examined by the Building Administrator and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the Building Administrator shall authorize the Clerk to issue the said applicant a permit. Before issuance of the permit, the Clerk shall require applicant to pay the permit fee set by resolution of the Village Board. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern. (Neb. Rev. Stat. §17-130 through 17-132, 17-550, 17-1001)

SECTION 9-202: PERMIT FEES

The Village Board shall from time to time establish building and inspection fees which shall be paid before the issuance of any building permits for any structures within the Village or within its zoning jurisdiction. Such building permit fee schedule shall be available for public inspection at the village office during normal business hours. (Am. Ord. Nos. 644, 2/11/03; 652, 2/26/04)

SECTION 9-203: DUPLICATE TO COUNTY ASSESSOR

Whenever a building permit is issued for the erection, alteration or repair of any building within the Village'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)

SECTION 9-204: OBTAINING A BUILDING PERMIT

A. Before performing any work requiring a building permit from the Village, the applicant shall provide the Village Clerk evidence that the party engaged to perform the work is registered in good standing with the Village of Waterloo pursuant to section 9-205.

B. The requirement set forth in subsection (A) shall not apply to work covered by the building permit if all of the work is performed by the owner of the property.

SECTION 9-205: CONTRACTORS, REGISTRATION, FEE

A. No person shall engage in the business of contracting within the Village's corporate limits or extraterritorial jurisdiction unless he/she shall have first registered with the Village Clerk. The requirement of this section shall be effective on and after June 1, 2017.

B. Engaging in the business of contracting consists of contracting for a certain price, fee, percentage or other compensation with the owner or tenant of any property to build, construct, alter, repair, remodel or demolish any building or structure upon such property or any portion thereof for which a building permit is required, including engaging in the performance of any work within a licensed trade; provided, that the business of contracting does not encompass any subcontractor performing work under a contract with a general contractor registered with the Village.

C. Registration with the Village Clerk shall require:

1. Completion of a contractor registration application form as provided by the Village, including a certification that contractor is registered as contractor in good standing with the State of Nebraska.

2. Submission of a current certificate of insurance which provides coverage for bodily injury and property damage in a minimum amount of \$300,000.00.

3. Payment of a registration fee of in an amount determined by the Village Board from time to time in the same manner as provided in section 9-202 for permit fees.

D. Each registration shall be current from the date of issuance up to and including the next December 31, unless sooner revoked, and shall be renewed before its expiration date by submission of the required application form, documentation and fee.

E. This section is solely a registration provision and is not to be deemed a substitute for, or to be relied upon as evidence of, any contractor license as may be otherwise required by law.

Article 3 – Unsafe Buildings

SECTION 9-301: DEFINITION; NUISANCE

"Unsafe building" as used in this article is hereby defined to mean and include any building, shed, fence, or other manmade structure which:

A. Is dangerous to the public health because of its condition and may cause or aid in the spread of disease or injury to the health of its occupants or those of neighboring structures;

B. 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; or

C. 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 Village is hereby declared to be a nuisance.

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

SECTION 9-302: PROHIBITION

It shall be unlawful to maintain or permit the existence of any unsafe building in the Village 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)

SECTION 9-303: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Building Administrator on ordering repair, vacation or demolition:

A. If the dangerous or unsafe building or structure can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.

B. If the dangerous or unsafe building or structure is in such condition as to make it dangerous or unsafe to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

C. A dangerous or unsafe building or structure shall be demolished: (A) In any case where it is 50% damaged or decayed or deteriorated from its replacement value or structure; (B) in all cases where it cannot be repaired so that it will no longer exist in violation of the terms of this article; and (C) in all cases where it is a fire hazard existing or erected in violation of the terms of this article or any other provisions of the municipal code or of state statutes.

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

SECTION 9-304: DETERMINATION AND NOTICE

A. Whenever the Building Administrator shall be of the opinion that any building or structure in the Village is an unsafe building, he shall file a written statement to that effect with the Village 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. The Clerk shall serve written notice upon the owner 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 the premises known and described as _____
_____:

"You are hereby notified that (description of building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by the Building Administrator of the Village of Waterloo. 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 Village will proceed to do so. Appeal of this determination may be made to the Village Board, acting as the Board of Appeals, by filing a request for a hearing with the Village Clerk within ten days from the date of receipt of this notice."

B. 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 of the officer or employee 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 Administrator may, upon orders of the Village Board, proceed to remedy the condition or demolish the unsafe building.

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

SECTION 9-305: 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 Village Clerk request a hearing before the Village Board, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The Village Board shall grant such hearing within ten days from the date of receiving the request. A written notice of the Board's decision following the hearing shall be sent to the property owner by certified mail. If the Village Board 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 Village Board 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 Village Board shall be stayed. Where the Village has not adopted a building code, the state statutes relating to bonded indebtedness and collection of delinquent taxes shall apply. (Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

SECTION 9-306: 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 Administrator to do so, the Village may summarily repair or demolish and remove such building or structure.

SECTION 9-307: SPECIAL ASSESSMENTS

If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the Village to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Village 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 Village Board. The Board may:

A. Levy the cost as a special assessment against the lot or real estate upon which the building or structure is located; or

B. Collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. 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, 77-1725)

Article 4 – Adopted Codes

SECTION 9-401: UNIFORM 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 current edition of the Uniform Building Code, 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 state statutes. One copy of the Building Code shall be on file at the office of the Village Clerk and available for public inspection during office hours. The provisions of the building code shall be controlling throughout the Village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922)

SECTION 9-402: UNIFORM MECHANICAL CODE; ADOPTED BY REFERENCE

A. To provide for regulation of the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the Village, the current edition of the Uniform Mechanical Code is hereby referred to, adopted and made a part hereof, in addition to all amended editions, as if fully set out in this section. One copy of the Mechanical Code shall be on file at the office of the Village Clerk and available for public inspection during office hours.

B. It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain mechanical systems or equipment or cause or permit the same to be done in violation of the Mechanical Code.

(Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922)

SECTION 9-403: UNIFORM 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 current edition of the Uniform Plumbing Code, 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 state statutes. One copy of the Plumbing Code shall be on file at the office of the Village Clerk and available for public inspection during office hours. The provisions of the plumbing code shall be controlling throughout the Village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922)

SECTION 9-404: RESIDENTIAL CODE; ADOPTED BY REFERENCE

The current edition of the International Residential Code for One- and Two-Family

Dwellings, except Part VIII, is hereby adopted by the Village and incorporated by reference, in addition to all amended editions, as though printed in full herein. One copy of the Residential Code shall be on file at the office of the Village Clerk and available for public inspection during office hours. (Ord. No. 654, 2/26/04)

SECTION 9-405: UNIFORM 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 current edition of the Uniform Electrical Code, 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 state statutes. One copy of the Electrical Code shall be on file at the office of the Village Clerk and available for public inspection during office hours. The provisions of the Electrical Code shall be controlling throughout the Village and throughout its zoning jurisdiction. (**Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922**) (Am. Ord. No. 655, 2/26/04)

Article 5 – Penal Provisions

SECTION 9-501: 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 an offense 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 9-502: ABATEMENT OF NUISANCE

A. Whenever a nuisance exists as defined in this chapter, the Village may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

B. 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)