

CHAPTER 9 – BUILDING REGULATIONS

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CHAPTER 9 – BUILDING REGULATIONS

Article 1. Building Regulations

§9-101 PROHIBITION OF LEAD PIPES, SOLDER AND FLUX.

Any pipe, solder or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead-free. For purposes of this section, “lead-free” shall mean:

A. Solders and flux – not more than two-tenths percent lead, and

B. Pipe and pipe fittings – not more than 8 percent lead.

(Ref. 71-5301 RS Neb.)

§9-102 DISPLAY OF ADDRESS NUMBERS ON BUILDINGS

It shall be the duty of the owner or occupant of any building to cause the proper address number to be placed on the front of said building with conspicuous and legible figures not less than three inches high or, in the case where the building sits back from the street or road such a distance that the numbers cannot be readily seen, they shall be posted in such a manner that they can be readily seen, or the size of the numbers shall be increased so that they may be readily seen from the street or road. A temporary sign shall conform to the visibility standards set forth for the permanent posting of the address. (Ord. No. 681, 3/10/14)

Article 2. Unsafe Buildings

§9-201 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 which 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; (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; or (D) is classified as a “non-standard property, building, or structure,” a “substandard property, building, or structure,” a “derelict building or structure,” or “dangerous building or structure” as determined by other sections of this Chapter. (Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.) (Am. by Ord. No. 678, 3/10/14)

§9-202 DETERMINING AND CLASSIFYING UNSAFE BUILDINGS AND SEVERITY OF VIOLATIONS; DETERMINING COURSE OF ACTION TO MITIGATE VIOLATIONS.

A. Inspection and Evaluation of Buildings and Property. Upon the filing of the written statement with the City Clerk as provided in Section 9-204 of this Chapter, the condemnation consultant shall inspect the building and property. Based on the inspection, the condemnation consultant shall then determine whether the building or property is in violation of this Chapter and the degree of violation. All properties where an evaluation inspection is performed shall be evaluated against the standards of Substandard Property listed in Table B, Fire and Life Safety Hazards listed in Table C, Derelict Buildings or Structures listed in Table D, and Dangerous Buildings or Structures listed in Table E, all of which have been placed on file in the office of the City Clerk for public inspection. Substandard properties shall be assigned violation points in accordance with Tables B and C, and the provisions of Subsection B, Violation Tables.

B. Violation Tables.

1. During the evaluation inspection and any subsequent inspections of the building and property, the condemnation consultant shall note each violation and evaluate the property in accordance with Tables B, C, D, and E. Once all violations are listed and if it is determined that the property is substandard, the points as listed in Tables B and C shall be totaled to determine the degree of violation. The course of action shall be in accordance with Table A and Subsection C, Substandard Buildings and Structures.

2. Where a building or structure contains violations listed in Table D, Derelict Buildings or Structures, the building or structure shall be declared a derelict building or structure and processed according to the procedures set forth in Subsection D, Derelict Buildings or Structures Procedures.

3. Where a building or structure contains violations listed in Table E, Dangerous Buildings or Structures, that building or structure shall be declared a dangerous building or structure and processed according to the procedures set for in Subsection E, Dangerous Buildings or Structures Procedures.

4. Groups of buildings on the same property may be processed under a single complaint and evaluation.

C. Substandard Building and Structures.

1. Non-Standard Property Warning. The owner, occupant, or custodian of property which by an external inspection is evaluated as being maintained in a substandard condition and receives 25 to 49 violation points may be considered non-standard property and sent a letter describing the substandard conditions and the appropriate actions for mitigating these conditions within the timeframe provided in this Chapter or otherwise extended by the condemnation consultant or City Council. The owner, occupant, or custodian of the property may be advised, in writing, that the property is in a declining state, and that if conditions worsen, more formal actions may be undertaken.

2. Substandard Property Violation. When any property has been inspected and receives 50 or more points as set forth in Table A, the owner, occupant, or custodian of the property shall be notified by letter that the property is "substandard," and the letter shall describe the violations and the appropriate actions for mitigating these violations within the timeframe provided in this Chapter or otherwise extended by the condemnation consultant or City Council.

3. All notifications to the owner, occupant, or custodian of the property pursuant to this subsection shall be done pursuant to and in the form set forth in Section 9-204 of this Chapter.

4. Appeal rights of the owner, occupant, or custodian of the property shall be governed by Section 9-205 of this Chapter.

D. Derelict Buildings or Structures.

1. General. This section shall apply to all buildings, structures, and properties, residential or commercial, which have been evaluated as being derelict buildings or structures, in that the building or structure contains one or more violations listed in Table D, Derelict Buildings or Structures. By definition, derelict buildings or structures are unfit for human occupancy.

2. Posting and Placement of Utility Restraint. In addition to any posting required by Section 9-204 of this Chapter, derelict buildings or structures shall be posted "MUST NOT BE OCCUPIED." See subsection F, Posting of Buildings. Simultaneously, utility restraints may be placed on such buildings or structures. See Subsection G, Utility Restraints. EXCEPTION: If the derelict building is occupied, the condemnation consultant may grant an

extension as to when the building will be vacated and whether a posting or utility restraint is required.

3. Buildings or structures which are posted shall not be occupied for any purpose until repaired to eliminate the violations listed in the Notice of Violation issued pursuant to Section 9-204 of this Chapter, to the satisfaction of the condemnation consultant. In addition, the building or structure shall only be authorized to be entered for preparing any repair plan and schedule to be submitted to the condemnation consultant for approval. Upon approval of the repair plan and schedule, the owner or his or her representatives will be authorized to enter the building to effect repairs. No other entry or occupancy of the building shall be permitted unless approved by the condemnation consultant.

4. All notifications to the owner, occupant, or custodian of the property pursuant to this subsection shall be done pursuant to and in the form set forth in Section 9-204 of this Chapter.

5. Appeal rights of the owner, occupant, or custodian of the property are governed by Section 9-205 of this Chapter.

6. Since derelict buildings or structures are by their nature and definition unfit for human occupancy, they are subject to total demolition by the City in the event the owner, occupant, or custody of the property does not mitigate the problem(s) identified within the timeframe as provided in this Chapter or otherwise extended by the condemnation consultant or City Council.

E. Dangerous Buildings or Structures Procedures.

1. General. This section shall apply to all buildings, structures, and properties, residential or commercial, which have been evaluated as being dangerous buildings and structures in that the building or structure contains one or more violations listed in Table E, Dangerous Buildings or Structures.

2. Posting and Placement of Utility Restraint. In addition to any posting required by Section 9-204 of this Chapter, dangerous buildings or structures shall be posted "MUST NOT BE OCCUPIED." See Subsection F, Posting of Buildings. Simultaneously, utility restraints shall be placed on such buildings or structures. See Subsection G, Utility Restraints.

3. Buildings which are posted shall not be occupied for any purpose until repaired to eliminate the violations listed in the notice of violation issued pursuant to Section 9-204 of this Chapter, to the satisfaction of the condemnation consultant. In addition, the building shall only be authorized to be entered for preparing any repair plan and schedule to be submitted to the condemnation consultant for approval. Upon approval of the repair plan and schedule, the owner or his or her representatives will be authorized to enter the building to effect repairs. No other entry or occupancy of the building shall be permitted until the repairs are completed and approved by the condemnation consultant.

4. All notifications to the owner, occupant, or custodian of the property pursuant to this subsection shall be done pursuant to and in the form set forth in Section 9-204 of this Chapter.

5. Appeal rights of the owner, occupant, or custodian of the property are governed by Section 9-205 of this Chapter.

6. Since dangerous buildings or structures are by their nature and definition unfit for human occupancy, they are subject to total demolition by the City in the event the owner, occupant, or custody of the property does not mitigate the problem(s) identified within the timeframe as provided in this Chapter or otherwise extended by the condemnation consultant or City Council.

F. Posting of Buildings.

1. In addition to any posting required by Section 9-204 of this Chapter, if a building is determined to be in violation of this Chapter to an extent that it fails to provide the amenities which are essential to decent living or the building is unsafe, unsanitary, or structurally unsound, the building shall be posted for non-occupancy.

2. The notice posted on the building shall state that the building "MUST NOT BE OCCUPIED" and shall be affixed to the main door facing the address street or any other accessible doors, if needed. The "MUST NOT BE OCCUPIED" portion of the notice shall be in letters of sufficient size to be read from the public way.

G. Utility Restraints.

1. When a building is determined to be in violation of this Chapter and is unfit for human occupancy, a utility restraint may be placed against the property by the condemnation consultant, restraining the utility providers from providing utilities to the building. Dangerous buildings or structures and derelict buildings or structures posted "MUST NOT BE OCCUPIED" may have utility restraints placed on them. The utility restraint shall be recorded with the Utilities Department or other utility providers. The utility restraint shall not be released until the building is repaired or demolished. Once the building has been repaired or demolished, the condemnation consultant shall record with the Utilities Department or other utility providers a written release granting utility service to the building or property. The utility restraint shall not interfere with any enforcement action taken by the Utilities Department or other utility providers.

2. EXCEPTION: Limited utilities may be permitted to be supplied to the property for facilitating the repairs, at the discretion of the condemnation consultant.
(Am. by Ord. No. 678, 3/10/14)

§9-203 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. (Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.)

§9-204 DETERMINATION AND NOTICE.

A. Whenever the Chief of Police, Fire Chief, Board of Health, or City Council, or any officer duly appointed by the City Council for the purposes of determining whether buildings or structures within the City are unsafe shall be of the opinion that any building or structure in the City is an unsafe building; he/she/it shall file a written statement to this effect with the City Clerk. The Clerk shall thereupon cause the property to be posted accordingly. He/she shall file a copy of such determination in the office of the County Register of Deeds and 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, altering or demolishing the building, 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 (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 a request for a hearing with the City Clerk within ten days from the date of receipt of this notice."

B. 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 60 days from the time when the notice is served upon him/her by personal service or certified mail, the Chief of Police may, upon orders of the City Council, proceed to remedy the condition or demolish the unsafe building.

(Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.) (Am. by Ord. No. 648, 9/13/10)

§9-205 HEARING AND APPEAL.

Upon receiving the notice to repair or demolish the building, the owner may, in writing filed with the City Clerk within the time stipulated, 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 five days from the sending of the decision to begin repair or demolition and removal. If the owner has not begun work after the five-day period, 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 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. (Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.)

§9-206 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 Chief of Police to do so, the City may summarily repair or demolish and remove such building or structure.

§9-207 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 (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. (Ref. 18-1720, 18-1722, 18-1722.01, 77-1725 RS Neb.)

Article 3. Penal Provisions

§9-301 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 \$100.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

§9-302 ABATEMENT OF NUISANCE.

Whenever a nuisance exists as defined in this chapter, the City may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Ref. 18-1720, 18-1722 RS Neb.)

