

## **-CHAPTER VIII □ □ □ □ BUILDING REGULATIONS**

## ARTICLE I - ZONING REGULATIONS

## 8-101 ZONING REGULATIONS ADOPTED

8-102 OFFICIAL ZONING MAP

## ARTICLE II - SUBDIVISION REGULATIONS

## 8-201 SUBDIVISION REGULATIONS, INCORPORATED BY REFERENCE

8-202 PLANS, PLATS AND THE LIKE; VILLAGE OFFICIALS; DUTY

## ARTICLE III - BUILDING REGULATIONS

## 8-301 BUILDING INSPECTOR

## 8-302 BUILDING INSPECTOR; RIGHT OF ENTRY

## 8-303 BUILDING PERMITS REQUIRED; APPLICATION, ISSUANCE

8-304 PERMIT, FEE

8-305 VARIANCE NOT PERMITTED

## 8-306 PERMIT LIMITATION

## 8-307 MANDATORY WATER LINE HOOKUP

## 8-308 BARRICADES AND LIGHTS

## 8-309 BOND REQUIREMENT

## 8-310 BUILDING WITHOUT PERMIT; NUISANCE

## 8-311 APPEAL FROM DECISION

## ARTICLE IV - MOVING BUILDINGS

8-401 PERMIT AND BOND REQUIRED; PERMIT FEE

## 8-402 NOTICE TO PUBLIC SERVICE COMPANIES REQUIRED

## 8-403 CARE REQUIRED OF LICENSEE

8-404 NO GENERAL PERMIT

## ARTICLE V - PENAL PROVISION

## 8-501 VIOLATION, PENALTY

## CHAPTER VIII ■ ■ ■ ■ ■ BUILDING REGULATIONS

## ARTICLE I - ZONING REGULATIONS

## SECTION 8-101: ZONING REGULATIONS ADOPTED

For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity and general welfare of the community, and to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other

public improvements, the zoning regulations of the Village of Union, presented and prepared by said village, are hereby adopted. The adoption of such zoning regulations shall include any amendments thereto as may be made from time to time. Said zoning regulations, as well as amendments, are hereby incorporated by reference in this ordinance as if set out in full. One copy of the zoning regulations shall be maintained by the village clerk at the village office and available for public inspection during regular office hours.

### SECTION 8-102: OFFICIAL ZONING MAP

The Village of Union and certain properties within and up to one mile of its corporate limits are hereby divided into zones or districts as shown on the official zoning map which, together with all explanatory material and documentation, is hereby adopted by reference, declared to be part of the zoning regulations of the Village and furthered declared to be a part of this ordinance.

The official zoning map, together with all changes, amendments or additions thereto, shall be maintained in the office of the village clerk and available for public inspection during regular office hours. .

## ARTICLE II- SUBDIVISION REGULATIONS

### SECTION 8-201: SUBDIVISION REGULATIONS; INCORPORATED BY REFERENCE

To provide for harmonious development of the Village and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan, for adequate open spaces for traffic, recreation, light, air, for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience or prosperity, and insure conformance of subdivision plans with capital improvements programs of the Village; and to secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance of subdivides and the Planning Commission and Village Board, the subdivision regulations for the Village of Union, as prepared and adopted by Ordinance No. 99-7, dated September 7, 1999, including any amendments thereto as may be made therein from time to time, are hereby incorporated by reference herein as if set out in full. One copy of the subdivision regulations shall be kept on file with the village clerk and available for public inspection during regular office hours.

Source: Neb. Rev. Stat. §81-3447

### SECTION 8-202: PLANS, PLATS AND THE LIKE; VILLAGE OFFICIALS; DUTY

A municipal official charged with the duty or responsibility of accepting and 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.

A municipal official charged with the duty or responsibility of accepting or approving plans, specifications, geological maps and reports shall not accept or approve plans, specifications,

geological maps or reports which have not been prepared in accordance with the Geologists Regulation Act.

Source: Neb. Rev. Stat. §81-3538

### ARTICLE III - BUILDING REGULATIONS

#### SECTION 8-301: BUILDING INSPECTOR

The Village Board may appoint an individual to serve as building inspector for the Village to regulate and inspect all construction, repairs and alterations for compliance with the Nebraska statutes and village building rules and regulations. The appointed building inspector shall use as guidelines the Uniform Building Code pertaining to housing construction, plumbing, electrical and fire prevention in making his/her inspections. The Village Board shall also have the power to contract said duties with another governmental subdivision whenever it deems the appointment of a resident inspector impractical. Said building inspector shall have the power to issue permits for construction, repairs and alterations within said village, and shall have the power and authority to order all work stopped on any construction, repair or alteration which violates any provision prescribed herein.

#### SECTION 8-302: 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.

#### SECTION 8-303: BUILDING PERMITS REQUIRED; APPLICATION, ISSUANCE

Any person desiring a building permit to commence or proceed to erect, construct, repair, relocate or destroy any building or dwelling, or cause the same to be done, including but not limited to, a lawful burning pursuant to Nebraska Revised Statute 28-506, shall file with the village clerk an application therefore, on a form to be furnished by the village clerk for that purpose, before proceeding with the work. 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. If such application and included information are in conformity with the provisions of the ordinances of the Village, the Board of Trustees shall order the issuance forthwith of a permit to the applicant thereof.

Source: Neb. Rev. Stat. §18-1743 (1979 Supp.)

#### SECTION 8-304: PERMIT, FEE

The village clerk shall, at the time of filing the application for the issuance of any permit as aforesaid, charge and collect in advance a fee of \$1 0.00. Said fee shall be the property of the Village and shall be paid over to the village treasurer for credit to the general fund of the Village.

### SECTION 8-305: VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit to construct or repair a building within the corporate limits of the Village is issued, as provided in this article, to vary in any manner from the plans and specifications submitted to the Board of Trustees in the construction or repair authorized, so that such construction or repair shall not conform to the ordinances of the Village.

### SECTION 8-306: PERMIT LIMITATION

1. If the work for which a permit has been issued shall not be begun within six months of the date thereof, or if the construction shall be discontinued for a period of six months, the permit shall be void.
2. Before such work can be resumed, a new permit shall be obtained in the same manner and form as an original permit; provided, the Village shall not issue a building permit to any applicant for any improvement on real property located within the jurisdiction of the Village whenever any such applicant has received an approved building permit within the last 36 months on the same property sought to be improved; provided that such restriction on the issuance of a building permit within the above said time limitation shall not apply to a bona fide purchaser of the same property for which a prior building permit has been issued within such waiting period; and further provided that the above said restrictions on issuance of a building permit shall not apply when the Village Board determines the same is necessary for emergency repairs or for reconstruction of a residence due to loss by fire, windstorm or other casualty. This subsection shall apply only to the primary residences and the above said restriction on the issuance of building permits shall not apply to detached accessory buildings as the same may be allowed under the Village's zoning jurisdiction.

### SECTION 8-307: MANDATORY WATER LINE HOOKUP

All persons who make application for a building permit pursuant to this article for the construction of a new building or any building that is to undergo a substantial improvement shall be required to obtain a water line hookup, or satisfactory evidence that a water line hookup will be completed prior to completion of the intended construction with the Rural Water District No.3, Otoe County, Nebraska, pursuant to the water franchise agreement with said district and pursuant to the rules and regulations as promulgated by said district. A certificate of occupancy shall not be granted to such person by the building inspector or its agent until said water hookup is completed by and between such person and the Rural Water District No.3. In the event a water line hookup is not available from said district, then the Board may waive this requirement.

### SECTION 8-308: BARRICADES AND LIGHTS

It shall be the duty of the owner, lessee or tenant causing the construction or destruction of any building or improvement upon or near any public street, alley or sidewalk to have during such construction all excavations, 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 village police shall stop

all work until guards are erected and maintained as required.

### SECTION 8-309: BOND REQUIREMENT

It shall be the duty of the owner, lessee or tenant intending the destruction of any building or improvement to post a \$1,000.00 cash bond with the village clerk prior to such destruction. This bond will be refunded upon payment of all damages to village property occasioned by such destruction and any cleanup work resulting from such destruction. In the event that a nuisance remains on the building permit site for more than six months after the issuance of the building permit, then the bond shall be forfeited and shall be applied to offset the cleanup by the Village.

### SECTION 8-310: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within said village without a permit therefor, as herein required, or which is not constructed, remodeled or located in accordance with the permit granted and issued therefor, shall be deemed and considered to be a public nuisance and may be abated or removed by the Village at the expense of the owner.

### SECTION 8-311: APPEAL FROM DECISION

In the event that it is claimed that (1) the true intent and meaning of this chapter has been wrongly interpreted by the building inspector; (2) the time allowed for compliance with any order of the building inspector is too short; or (3) 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/her 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 Village Board shall sit and act as the Village Board of Appeals and shall have the power and authority, when appealed to, to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this Code to achieve that end. A copy of any variance so granted shall be sent to the applicant.

## ARTICLE IV - MOVING BUILDINGS

### SECTION 8-401: PERMIT AND BOND REQUIRED; PERMIT FEE

It shall be unlawful for any person to move any building over or across any street or public way of this village until a permit therefor has been issued by the chairman of the Board and all other provisions of this article complied with. The chairman of the Board is hereby authorized to issue such permit upon the written application of the owner of said building proposed to be removed, or of his/her agent, showing the size and kind of building, its present location and its proposed location. All applications shall be accompanied by a permit fee set by resolution of the chairman

and Board of Trustees and on file in the office of the village clerk.

However, said permit shall not be issued until the owner of said building has furnished a bond with good and sufficient surety of \$10,000.00. Said bond is to be issued on condition, among other things, that said licensee will in all things strictly comply with all the provisions of the ordinances of this village relating to house--moving, and that said licensee will save, indemnify and keep harmless the said village from all liabilities, judgments, costs and expenses which may in any wise accrue against it in consequence of the granting of such license.

In addition, said licensee will pay to said village any and all damages which may be sustained by any pavement, curb, gutter, sidewalk, street or other village property through the moving of such building by said licensee, and said licensee shall pay the owner any and all damages caused in a like manner to any private property in said village. Said bond shall be approved in writing by the chairman of the Board before such license is issued.

The chairman of the Board in said permit shall limit the time of removal and shall specify the route to be followed in moving said building over and across the streets and public ways of said village, which shall be the route that least interferes with telephone systems and lighting systems in said village under all circumstances. It shall be unlawful for any such licensee to digress from such time or specified route without permission or written consent of the chairman of the Board.

### SECTION 8-402: NOTICE TO PUBLIC SERVICE COMPANIES REQUIRED

Before moving any building, the licensee shall notify all public service companies whose wires or other appliances may obstruct the moving of such building of the time when such building will be moved, and request such public service companies to arrange for the passage of such building. Such licensee shall pay said public service companies the reasonable and actual cost and expense of the work required to be done.

### SECTION 8-403: CARE REQUIRED OF LICENSEE

It shall be unlawful for any licensee to make any openings or excavations in any street pavement or to set any stakes therein, and it is hereby made a duty of every licensee to move any buildings in a careful manner and with the least possible injury to the public or private property. For every such injury or damage, he/she shall be liable on his/her bond. The estimate of the chairman of the Board of any damage shall be final and conclusive upon said licensee.

### SECTION 8-404: NO GENERAL PERMIT

There shall be no license issued or general permit given to anyone to move buildings at will or generally within the corporate limits of the Village.

## ARTICLE V - PENAL PROVISION

### SECTION 8-501: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of Chapter VIII hereof for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor, and be fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.