

TITLE XV: LAND USAGE

Chapter

- 150. GENERAL REGULATIONS**
- 151. BUILDING REGULATIONS; PERMITS**
- 152. MUNICIPAL PLANNING; SUBDIVISION REGULATIONS**
- 153. MUNICIPAL PLANNING; ZONING REGULATIONS**

CHAPTER 150: GENERAL REGULATIONS

Section

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- 150.01 Plumbing and Electrical Codes
- 150.02 Comprehensive plan
- 150.03 Building Code, adopted by reference
- 150.04 Residential Code; adopted by reference

Fence Construction

- 150.15 Definitions
- 150.16 Regulations
- 150.17 Permits

CODES ADOPTED

§ 150.01 PLUMBING AND ELECTRICAL CODES.

(A) It is herein declared to be in the best interests of safety, public welfare and concern of the village to provide minimum standards for all types of construction, repair, remodeling, and renovation of all residential, commercial, agricultural, and other structures within the village and its zoning territorial limits. No such structure shall be constructed, repaired, remodeled, or renovated unless that improvement complies with the appropriate code adopted herein.

(B) This is herein adopted as the minimum standard codes for construction the following codes, along with all additions, substitutions, and amendments thereto:

- (1) 1978 National Electrical Code; and
- (2) 1979 Plumbing Code as published by the International Conference of Building Officials.

(C) These codes shall be adopted herein by reference, as if more fully set out in the texts of this section; and for the purpose of examination, 3 copies of each shall be on file with the Village Clerk-Treasurer for examination by the general public.

(D) The 3 copies shall be made available for examination by the Village Clerk-Treasurer and additional copies may be purchased by the general public at cost.

(E) At any time as the above referenced codes shall be supplemented, amended, or replaced by the appropriate uniform publication body of the national code, this supplementation, amendment, or replacement shall be in full force and effect as part of this section as if acted on at that time by the Board of Trustees; and all the supplementation, amendment, and replacements are incorporated herein by reference by filing 3 copies with the Village Clerk-Treasurer.

(F) The Village Building Inspector is hereby authorized and empowered to enforce all provisions of the Plumbing and Electrical Codes pertaining to building construction and repair by appropriate inspection during the construction and repair to ascertain compliance with these codes. For this purpose, he or she shall have the general police powers of the village.
(Ord. 113, passed 4-6-1993)

Cross-reference:

Building Code, see § 150.03

§ 150.02 COMPREHENSIVE PLAN.

The comprehensive plan of the village and its planning jurisdictional area is hereby adopted by reference as if set out in full herein. Copies are available through village offices.
(Res. 156, passed 9-8-2004)

§ 150.03 BUILDING CODE; ADOPTED BY REFERENCE.

The International Building Code, 2003 Edition, including Appendix Chapters 11, 33, as published by the International Code Council, Inc., is hereby adopted as the Building Code of this village for establishing the minimum regulations governing the conditions and maintenance of all property, buildings, and structures, 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 for the demolition of such buildings and structures. Each and all of the regulations, provisions, penalties, conditions, and terms of the Building Code are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions, and changes, if any, prescribed in § 150.04. The 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 such code does not conflict with the state statutes. One copy of the Building Code is on file at the office of the Village Clerk and is available for public inspection at any reasonable time. The provisions of the Building Code shall be controlling throughout the municipality and throughout the its zoning jurisdiction.
(Ord. 140, passed 3-6-2003; Am. Ord. 157, passed 12-5-2006)

§ 150.04 RESIDENTIAL CODE; ADOPTED BY REFERENCE.

The International Residential Code, 2003 Edition, including Appendix Chapters 11, 33, as published by the International Code Council, Inc., is hereby adopted as the Residential Code of this village for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use, or maintenance of 1- and 2-family dwellings and townhouses not more than 3 stories in height in the village and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions, and terms of the Residential Code are hereby referred to, adopted, and made a part hereof as if fully set out in this section, with the additions, insertions, deletions, and changes, if any. The Residential 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 such code does not conflict with the state statutes. One copy of the Residential Code is on file at the office of the Village Clerk and is available for public inspection at any reasonable time. The provisions of the Residential Code shall be controlling throughout the village and throughout its zoning jurisdiction.
(Ord. 157, passed 12-5-2006)

FENCE CONSTRUCTION**§ 150.15 DEFINITIONS.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FRONT YARD. Extends between side lot lines across the front of a lot adjoining a public street.
(Ord. 118, passed 6-6-1995)

§ 150.16 REGULATIONS.

(A) In any front yard, no fence or wall shall be permitted which materially impedes vision across that yard above the height of 30 inches, and no hedge or other vegetation shall be permitted which materially impedes vision across the yard between the heights of 30 inches and 10 feet.

(B) No fence or wall which is more than 6 feet shall hereafter be constructed, permitted, or suffered to remain on any side yard or rear yard boundaries.

(C) No fence or wall shall hereafter be constructed, permitted, or suffered to remain closer than 2 feet from a front property line, 3 feet from the rear yard lot line. Further, in no event shall any fence or wall be constructed or permitted which is to be located nearer than 3 feet to any existing fence or wall located on adjoining property.

(D) No fence or wall shall be permitted which is composed entirely or in part of barbed wire, broken glass, sharp masonry, metal, or other material which might be injurious to persons, animals, or property or constructed or maintained in such a manner as to constitute a public nuisance.

(E) In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern, and second front yard in the district shall be provided on the other frontage (minimum of 15 feet).

(F) The finished side of the fence must be to the street or facing the public.
(Ord. 118, passed 6-6-1995)

Cross-reference:

Prohibited fences, see § 133.04

§ 150.17 PERMITS.

Permits for the construction or alteration of all fences and walls shall be obtained in the manner provided for the granting of other building permits, so far as may be applicable. It shall be the responsibility of the applications to show property lines for construction land inspection by survey or other legal means.

(Ord. 118, passed 6-6-1995)

CHAPTER 151: BUILDING REGULATIONS; PERMITS

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ADMINISTRATION AND ENFORCEMENT**§ 151.001 PURPOSE.**

(A) The purpose of this chapter is to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction and certain equipment specifically regulated herein.

(B) The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefit by the terms of this chapter or by the Building Code as adopted in § 150.03.
(Ord. 140, passed 3-6-2003)

§ 151.002 SCOPE.

(A) The provisions of this chapter shall apply to the construction, alteration, moving, demolition, repair, maintenance, and use of any building or structure within this jurisdiction, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this code, and hydraulic flood-control structures.

(B) Where, in any specific case, different sections of the Building Code or of this chapter specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(C) In the event of a conflict between the provisions of this chapter, the Building Code, or any other village ordinance, the provisions that impose the highest standard shall prevail.
(Ord. 140, passed 3-6-2003)

§ 151.003 JURISDICTION.

The provisions of this chapter shall be applicable to all properties within the corporate limits of the Village of Goehner and its 1-mile extraterritorial jurisdiction.
(Ord. 140, passed 3-6-2003)

§ 151.004 VIOLATIONS.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure or cause or permit the same to be done in violation of this chapter.
(Ord. 140, passed 3-6-2003) Penalty, see § 10.99

§ 151.005 NOTICE OF VIOLATION.

The Building Official or his or her duly authorized representatives shall, upon substantiated evidence of violation of any provision of this chapter, issue written notice to the owner, contractor, lessee, firm, corporation, or other individual(s) responsible for the violation to correct same within a specific time period.
(Ord. 140, passed 3-6-2003)

§ 151.006 FAILURE TO MAKE CHANGES, ALTERATIONS, OR REPAIRS.

If the owner, contractor, lessee, firm, corporation, or other individuals(s) responsible for the violation shall fail to make the changes, alterations, or repairs within the time set forth in the notice of violation, and no extension of time has been procured, the Building Official or his or her duly authorized representatives shall forward this evidence of violations to the Village Attorney for proper legal action. (Ord. 140, passed 3-6-2003)

ORGANIZATION AND ENFORCEMENT**§ 151.015 AUTHORITY.**

The Building Official and his or her duly authorized representative shall be authorized and directed to enforce the provisions of this chapter and the building codes adopted by this title. The Building Official shall have the power to render interpretations of this chapter and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. The Building Official shall determine structural infeasibility and technical infeasibility as pertains to the Nebraska Accessibility Guidelines adopted by this chapter. The interpretations, rules, and regulations shall be in conformance with the intent and purpose of this chapter and the village's Building Code, as authorized by state statute. (Ord. 140, passed 3-6-2003)

§ 151.016 DEPUTIES.

The Building Official, with Village Board of Trustees approval, may hire any housing, building, and code enforcement inspectors as shall be necessary to carry out the functions of this chapter and the village's Building Code. (Ord. 140, passed 3-6-2003)

§ 151.017 RIGHT OF ENTRY.

Upon presentation of the proper credentials, the Building Official or his or her duly authorized representative(s), may enter, at reasonable times, any building, structure, or premises within the jurisdictional area of the village to perform any duty imposed upon him or her by this chapter and the village's Building Code. If the building or premises is unoccupied, the authorized representative(s) shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the authorized representative(s) shall have full recourse to the remedies provided by law to secure entry. (Ord. 140, passed 3-6-2003)

§ 151.018 STOP ORDERS.

Whenever any work is being done contrary to the provisions of this chapter or other pertinent laws or ordinances implemented through the enforcement of this chapter, the Building Official may order the work stopped, by notice in writing, served on any person or persons engaged in the doing or causing the work to be done, and the person or persons shall forthwith stop the work until authorized by the Building Official to proceed with the work.
(Ord. 140, passed 3-6-2003)

§ 151.019 OCCUPANCY VIOLATIONS.

Whenever any building or structure or equipment therein, regulated by this chapter, is being used contrary to the provisions of this chapter or the provisions of the Building Code, the Building Official may order the use discontinued and the structure or portion thereof vacated by notice served on any person or persons causing the use to be continued. The person shall discontinue the use, within the time prescribed by the Building Official, after receipt of the notice to make the structure or portion thereof comply with the requirements of this chapter and the village's Building Code.
(Ord. 140, passed 3-6-2003)

§ 151.020 LIABILITY.

(A) The Building Official, charged with the enforcement of this chapter, acting in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of those duties. A suit brought against the Building Official or his or her representative(s), because of an act or omission performed by the Building Official or his or her representative(s) in the enforcement of any provision of the codes or other pertinent laws or ordinances implemented through the enforcement of this chapter or enforced by the code enforcement agency, shall be defended by this jurisdiction until final termination of the proceedings, and any judgment resulting thus shall be assumed by this jurisdiction.

(B) This chapter and the village's Building Code shall not be construed to relieve from nor lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects. Nor shall the code enforcement agency or its jurisdiction be held as assuming any liability due to the inspections authorized by this code or any permits or certificates issued under this code.
(Ord. 140, passed 3-6-2003)

§ 151.021 APPEAL.

Whenever any person is aggrieved by the decision of the Building Official, or when there are practical difficulties involved in carrying out the provisions of this chapter or the village's Building

Code, an appeal may be filed with the Village Board of Trustees as set forth in §§ 151.095 through 151.102.

(Ord. 140, passed 3-6-2003)

§ 151.022 ALTERNATE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the village's Building Code, provided an alternate has been approved and its use authorized by the Village Board of Trustees as set forth in § 151.024.

(Ord. 140, passed 3-6-2003)

§ 151.023 TESTS.

(A) Whenever there is insufficient evidence of compliance with any of the provisions of this chapter or the village's Building Code or evidence that any material or construction does not conform to the requirements of this chapter or the village's Building Code, the Building Official may require tests as proof of compliance to be made at no expense to this jurisdiction.

(B) Test methods shall be as specified by the village's Building Code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Building Official shall determine test procedures. All tests shall be made by an approved agency.

(Ord. 140, passed 3-6-2003)

§ 151.024 MODIFICATIONS, VARIANCES.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases and may waive any of these requirements when it is determined that the information and/or method of construction provided would meet the intent of the code. The details of action granting modifications shall be recorded and entered into the department files and promptly reported to the Village Board of Trustees.

(Ord. 140, passed 3-6-2003)

§ 151.025 COOPERATION OF OTHER OFFICIALS AND OFFICERS.

The Building Official or his or her duly authorized representative(s) may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this chapter or other pertinent law or ordinance.

(Ord. 140, passed 3-6-2003)

§ 151.026 BARRICADES AND LIGHTS.

(A) It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the municipality to have during that work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day, and by warning lights at night.

(B) The failure, neglect, or refusal of those persons to erect these guards shall constitute a violation of this section and the Building Inspector or other village law enforcement authority shall stop all work until guards are erected and maintained as required.

Penalty, see § 10.99

UNSAFE AND DANGEROUS BUILDINGS OR STRUCTURES**§ 151.035 DESIGNATION.**

Any buildings and structures that have any or all of the following defects are hereby declared to be dangerous buildings:

(A) All buildings and structures whose walls or other vertical structural members list, lean or buckle to the extent that a plumb line passing through the center of gravity falls outside of the middle 1/3 of its base;

(B) All buildings and structures which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of the damage or deterioration of the nonsupporting members or the outside covering;

(C) All buildings and structures, which have improperly distributed loads upon floors or roofs or are otherwise overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

(D) All buildings and structures which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the village;

(E) All buildings and structures which have become or are dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, or cause injury to the health, morals, safety, or general welfare of person or persons living therein;

(F) All buildings and structures having light, air, and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;

(G) All buildings and structures having inadequate facilities for egress in case of fire or panic, such as but not limited to those having insufficient stairways, elevators, fire escapes, or other means of egress;

(H) All buildings and structures, having parts thereof which are so attached that they may fail and injure persons or property; or

(I) All buildings and structures existing in violation of any provision of this chapter, any provision of the fire prevention code, or other applicable provision of this code or ordinance of this village.
(Ord. 140, passed 3-6-2003)

§ 151.036 DECLARED NUISANCE.

Any building or structure found to be unsafe or unfit for occupancy or use, or any building or structure that is liable to fall or collapse from inherent structural weakness or as the result of fire, decay, or other defect, and which the owner refuses to repair in accordance with the provisions of this section and the village's Building Code, or any structure which has deteriorated from any cause to the extent that repairs would cost 50% of the cost of a similar new building, is hereby declared to be a nuisance.
(Ord. 140, passed 3-6-2003)

§ 151.037 DUTY TO MAKE SAFE, SECURE.

Any building or other structure, or any appurtenance in, upon, or about the building or other structure, found, either in whole or in part, to be structurally unsafe or dangerous in case of or as a result of fire, panic, tornado, wind, lightning, deterioration, or other cause, or which is insufficient or unsafe for the purpose for which it is intended to be used shall be made safe and secure by the owner, agent, lessee, or occupant of the building or other structure within the time set forth in written notice from the Building or Housing Inspector.
(Ord. 140, passed 3-6-2003)

§ 151.038 STANDARDS FOR REPAIR, VACATING, OR DEMOLITION.

The Building Official or his or her representative(s) ordering repair, vacancy, or demolition shall follow the following standards:

(A) If the dangerous buildings can reasonably be repaired so that it will no longer exist in violation of the terms of this section, it shall be ordered repaired;

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

(C) (1) In any case where a dangerous building is 50% damaged or decayed, or deteriorated from its original value or structure, it shall be demolished; and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished.

(2) In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter, or any other provision of this code or ordinance of the village, or statute of the state, it shall be demolished.
(Ord. 140, passed 3-6-2003)

§ 151.039 PROCEDURE FOR IMMEDIATE ACTION.

(A) If immediate action is deemed necessary to protect life or limb, the Building Official or his or her authorized representative(s) may cause an unsafe or dangerous building, structure, appurtenance, or apparatus, or any portion or part thereof, to be taken down or repaired immediately.

(B) The cost of taking down or repairing any building or structure under the provisions of this section, in amount of verified bills of all expenses incurred by the Building Official or his or her authorized representative(s), shall be collected in the same manner provided for in § 151.040(G).
(Ord. 140, passed 3-6-2003)

§ 151.040 DUTIES OF BUILDING OFFICIAL.

The Building Official shall:

(A) Inspect any building, wall, or structure about which any person files complaints to the effect that a building, wall, or structure is or may exist in a dangerous manner;

(B) Inspect any building or structure within the jurisdictional area of the village for determining whether conditions exist which may render the place a dangerous building within the terms of this section;

(C) Placard every building or structure found to be a dangerous building. The placard shall be placed on the exterior wall near the main entrance and shall state that the building or structure is unsafe or unfit for occupancy and use;

(D) Notify in writing the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building, as shown by the land records of the County Register of Deeds, of any building found by him or her to be a dangerous building, that:

(1) The owner must vacate, repair, or demolish the building in accordance with the terms of the notice and the provisions of this chapter;

(2) The occupant or lessee must vacate the building or may have it repaired in accordance with the notice and remain in possession of the building; or

(3) The mortgagee, agent, or other persons having an interest in the building, as shown by the land records of the County Register of Deeds, may at his or her own risk repair, vacate, or demolish the building or have the work done; provided, that any person notified under this division to repair, vacate, or demolish any building shall be given reasonable time, not exceeding 60 days, to do or have the work done.

(E) Report to the Village Board of Trustees any noncompliance with the notice provided in division (D) above;

(F) Appear at all hearings and testify as to the condition of dangerous buildings; and

(G) (1) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for division (D) above within 10 days, the Building Official shall cause the buildings or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards provided for in § 151.038, and shall cause the cost of the repair, vacating, or demolition to be levied, equalized, and assessed as are other special assessments. These costs may, however, be recovered in a civil suit.

(2) In cases where this procedure is desirable and any delay will not be dangerous to the health, safety, or general welfare of the people of this village, the Building Official may request the Village Attorney to take legal action to force the owner to make all necessary repairs or demolish the building. (Ord. 140, passed 3-6-2003)

NOTICE AND ORDERS

§ 151.050 NOTICE TO OWNER, OR TO PERSON OR PERSONS RESPONSIBLE.

Whenever the Building Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed in §§ 151.051 and 151.052. Notices for condemnation procedures shall also comply with § 151.035. (Ord. 140, passed 3-6-2003)

§ 151.051 FORM.

The notice prescribed in § 151.050 shall:

(A) Be in writing;

(B) Include a description of the building or structure, or real estate, sufficient for identification;

(C) Include a statement of the conditions which make the building or structure dangerous and why the notice is being issued;

(D) Include a correction order allowing reasonable time to make repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and

(E) Inform the property owner of the right to appeal. An appeal of this determination may be made to the Village Board of Trustees acting as a Board of Appeals, by filing with the Village Clerk-Treasurer within 10 days from the date of receipt of this notice, a request for a hearing.
(Ord. 140, passed 3-6-2003)

§ 151.052 METHOD OF SERVICE.

The notice shall be deemed to be properly served if a copy thereof is:

(A) Delivered personally;

(B) Sent by certified mail, return receipt requested, restricted delivery, addressed to the last known address; or

(C) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by the notice.
(Ord. 140, passed 3-6-2003)

§ 151.053 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order upon which a notice of violation has been served, to sell, transfer, mortgage, lease, or otherwise dispose of to another, until the provisions of the compliance order or notice of violation have been complied with; or until the owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the Building Official. The owner must then furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of the compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by the compliance order or notice of violation.

(Ord. 140, passed 3-6-2003) Penalty, see § 10.99

DEMOLITION

§ 151.065 NOTICES AND ORDERS.

All notices and orders shall comply with §§ 151.050 through 151.053.
(Ord. 140, passed 3-6-2003)

§ 151.066 FAILURE TO COMPLY.

If the person receiving the notice has not complied therewith or taken an appeal from the determination of the Building Official finding that a dangerous building exists within 10 days from the time when this notice is served upon that person, by personal service or certified mail, the Building Official may, upon orders of the Village Board of Trustees, proceed to remedy the condition or demolish the unsafe building.

(Ord. 140, passed 3-6-2003)

§ 151.067 CONTINUED USE PROHIBITED; PLACARD.

(A) After a building or structure has been declared a nuisance under the provisions of this division and ordered torn down, it shall be unlawful for any person to begin to use and/or occupy or to continue to use and/or occupy the building or structure.

(B) The Building Official or his or her authorized representative(s) shall place upon the building or structure a placard setting forth that the building or structure has been condemned and declared unsafe for use and/or occupancy.

(Ord. 140, passed 3-6-2003) Penalty, see § 10.99

§ 151.068 ABATEMENT BY VILLAGE.

(A) Should the owner refuse or neglect to promptly comply with the order to tear down and remove a building or structure condemned as a nuisance under the provisions of this division, or place the premises in a safe condition, the Building Official or his or her authorized administrator shall proceed with tearing down and removal of the building or structure, and/or removal from the premises of the remaining debris, and shall place the premises in a safe condition.

(B) All costs will be assessed as in § 151.040(G).

(Ord. 140, passed 3-6-2003)

*MEANS OF APPEAL***§ 151.080 APPEAL PROCEDURE.**

(A) Whenever a determination and order is made as provided in §§ 151.050 through 151.053, the owner, lessee, occupant, or mortgagee of record may appeal the determination and order to the Village Board of Trustees by filing with the Village Clerk-Treasurer written objections to the determination and order. The written objections shall set forth the location of the property and all grounds for the objections.

(B) Upon receipt of these written objections to the determination and order, the Village Clerk-Treasurer shall set a hearing date and shall immediately notify the Building Official or his or her authorized representative(s) and the Village Board of Trustees, stating the date, time and place of the hearing, and that the parties are to appear before the Village Board of Trustees to be heard on the matter.

(C) The Village Board of Trustees shall hear the testimony of the objectors and the Building Official of the village and other interested parties; and after the hearing, the Village Board of Trustees may affirm, modify, or reverse the determination of the Building Official of the village or his or her authorized representative(s). If, after consideration of all the evidence produced, the Village Board of Trustees shall find that the building or structure is a nuisance as defined in §§ 151.035 through 151.040 of this code, the village shall proceed to abate the nuisance in accordance with the procedures set forth in this code.

(Ord. 140, passed 3-6-2003)

§ 151.081 OWNER ABSENT FROM VILLAGE.

In cases where the owner, occupant, lessee, or mortgagee is absent from the village, all notices or orders provided for herein shall be sent by certified mail, return receipt requested, restricted delivery, to the owner, occupant, mortgagee, lessee, and all other persons having an interest in the building, as shown by the land records of the County Register of Deeds office, to the last known address of each; and a copy of the notice shall be posted in a conspicuous place on the dangerous building to which it relates. Mailing and posting shall be deemed adequate service.

(Ord. 140, passed 3-6-2003)

§ 151.082 POLICE AND FIRE DEPARTMENTS TO AID ENFORCEMENT.

The Building Official or his or her authorized representative(s) shall have the authority to call upon the local law enforcement or Fire Marshal in enforcing the provisions of this chapter.

(Ord. 140, passed 3-6-2003)

BUILDING BOARD OF REVIEW

§ 151.095 CREATED.

The Board of Adjustment shall serve as Building Board of Review, herein after referred to as the Board.
(Ord. 140, passed 3-6-2003)

§ 151.096 GENERAL AUTHORITY.

(A) The Building Board of Review shall have the authority to review and, by affirmative vote of a majority of the members present at any public hearing, sustain, reverse, change, or modify any decision of the Building Official relating to questions concerning methods of building, use of processes, and devices, strength and character of construction, and any other questions of like kind and character as may arise between the Building Official and the individual(s) aggrieved by the decision of the Building Official. The Building Board of Review shall have the authority to rule on the suitability of alternate materials and methods of construction, and to rule on matters related to sign, awning and fence construction, house moving, and building wrecking.

(B) (1) *Modifications.* Before reversing the decision of the Building Official or granting a modification of this chapter or the village's Building Code, the Building Board of Review shall first find that a special, individual reason makes the strict letter of this chapter or the village's Building Code impractical, and that the modification is in conformance with the intent and purpose of this chapter and that the modification does not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the Permits and Inspection Division of the Planning Department.

(2) *Alternate materials, design and methods of construction.*

(1) The Building Board of Review may approve any such alternate, provided the Board finds that the proposed design is satisfactory and complies with the provisions of this chapter and the village's Building Code and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the village's Building Code in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

(2) The Building Board of Review shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action approving an alternate shall be recorded and entered in the files of the Permits and Inspection Division.
(Ord. 140, passed 3-6-2003)

§ 151.097 MANNER OF FILING.

(A) Any individual(s) who wishes to appeal to the Building Board of Review based on its general authority as set forth in § 151.096, shall file for a hearing before the Building Board of Review on a form provided by the Building Official.

(B) When the request for a hearing is to object to a decision of the Building Official, the request shall be filed within 15 days of the decision and shall include, in writing, all grounds for objections. The individual(s) filing the objection has the burden of establishing that the decision of the Building Official should be reversed, changed, or modified.

(Ord. 140, passed 3-6-2003)

§ 151.098 FEE.

A fee of \$50 payable to the Village of Goehner shall accompany every request for a hearing filed under the provisions of this chapter.

(Ord. 140, passed 3-6-2003)

§ 151.099 SCHEDULING, NOTICE OF HEARING.

Upon receipt of a request for hearing before the Board, the Building Official shall set a date for the hearing. The applicant and other persons interested in the case shall be notified as to the time and date of the hearing.

(Ord. 140, passed 3-6-2003)

§ 151.100 CONDUCT OF HEARING.

The Board shall hear all arguments and review all evidence submitted by the applicant, the Building Official, and any other person(s) interested in the case, and shall render its opinion.

(Ord. 140, passed 3-6-2003)

§ 151.101 DECISION BY BOARD.

The Board may affirm, modify, or reverse the decision upon which a request for hearing was filed; may approve or disapprove requests for consideration of alternate materials and methods of construction; and may grant modifications of the code in accordance with §§ 151.022 and 151.024.

(Ord. 140, passed 3-6-2003)

§ 151.102 JUDICIAL APPEAL.

The decision of the Board may be appealed to the District Court as provided in Neb. RS 19-912.

(A) Any person(s) aggrieved by any decision of the Board may present to the District Court a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality.

(B) This petition must be filed within 15 days from the date of the decision of the Board.
(Ord. 140, passed 3-6-2003)

PERMITS

§ 151.115 PERMITS REQUIRED.

Except as specified in § 151.116, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Building Official or representative.

(Ord. 140, passed 3-6-2003)

§ 151.116 WORK EXEMPTED FROM PERMITS.

(A) A building permit shall not be required for the following:

- (1) Movable cases, counters, and partitions not over 5 feet 9 inches high;
- (2) Replacement of doors and windows, and garage doors which are nonstructural;
- (3) Painting, papering, paneling, floor covering, and similar work;
- (4) Temporary motion picture, television, and theater stage sets and scenery;

(5) Window awnings supported by an exterior wall of 1- and 2-family dwellings when projecting not more than 54 inches;

(6) Prefabricated swimming pools accessory to a Group R, Division 3, Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons;

(7) Repairs and alterations that are entirely nonstructural in nature and do not cost more than \$1,500 to complete;

(8) Replacement of existing concrete or asphalt driveways and walks, not on village right-of-way. Reminder: water service access must be maintained;

(9) Installation of gutters or drain spouts;

(10) Re-roofing of structures, unless a flat roof is pitched and structural changes are made;

(11) Siding, if it meets the Uniform Building Code for siding and shingles. Wind resistant stamp, must meet Building Official specifications; and

(12) Structures of 100 square feet or less.

(B) Unless otherwise exempted, separate plumbing and mechanical permits will be required for the above-exempted items. All of the above items must comply with the zoning ordinance and other pertinent ordinances even though they are exempt from building permit requirements.

(C) Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(Ord. 140, passed 3-6-2003)

§ 151.117 APPLICATION.

(A) To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Permits and Inspection Division for that purpose.

(B) Every such application shall:

(1) Identify and describe the work to be covered by the permit for which application is made;

(2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;

(3) Indicate the use or occupancy for which the proposed work is intended;

(4) Be accompanied by plans, diagrams, computations, specifications, and other data as required by the Building Official;

(5) State the construction valuation of any new building, structure, addition, remodeling or alteration to an existing building;

(6) Be signed by the applicant or the applicant's authorized agent; and

(7) Give any other data and information as may be required by the Building Official.
(Ord. 140, passed 3-6-2003)

§ 151.118 SUBMITTAL DOCUMENTS.

(A) Plans, in triplicate, specifications, diagrams, special inspection and structural observation programs, and other data shall constitute the submittal documents and shall be submitted with each application for a permit where applicable. Individuals or firms performing special inspections and structural observations shall be identified.

(B) The Building Official shall require plans, computations, and specifications to be prepared by an engineer or architect licensed by the state to practice as such when 1 of the following conditions exists:

(1) The building, structure, or remodeling provides for employment, housing, or assembly of 20 or more persons;

(2) The building, structure, or remodeling is larger than 5,000 square feet; or

(3) The walls of the building or structure exceed 30 feet in height.

(C) The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with the Building Code.
(Ord. 140, passed 3-6-2003)

§ 151.119 INFORMATION ON PLANS AND SPECIFICATIONS.

(A) All plans and drawings shall be drawn to a scale of not less than 1/8 inch to a foot, with the scale identified on the plans, and shall be completed in ink or some process that will not fade or obliterate.

(B) (1) Plans for fences, retaining walls and accessory buildings shall be on paper not less than 8-1/2 inches by 11 inches in size. Plans for all other work shall be on paper not less than 11 inches by 17 inches in size.

(2) Plans, drawings, and specifications will also contain the following:

(a) An accurate survey of the lot or tract of land to be built upon, prepared by a surveyor licensed by the State of Nebraska;

(b) A plot plan drawn to scale showing the lot or tract to be built upon, the size and location of all existing and proposed improvements, and any other information as may be required for enforcement of the village's zoning ordinance. Plots for commercial projects shall also show fire hydrant locations and grade contour lines;

(c) All distance and dimensions shall be accurately figured and identified;

(d) The name of the owner, the address of the proposed improvement, the name of the architect or engineer with his or her seal and signature as required by state law, and the type of occupancy proposed;

(e) The entire mechanical, plumbing, and electrical systems shall be shown in detail, including the placement of all fixtures, outlets, and ductwork;

(f) An orientation, key, or exiting plan shall be included when only a portion of the building is being finished or remodeled; and

(g) Any other information as may be required to perform an accurate plan review.

(C) The Building Official may waive any of these requirements when it is determined that the information is not needed for plan review.

(D) Plans for buildings more than 2 stories in height, other than 1- and 2-family dwellings and their accessory structures, shall indicate how the required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

(Ord. 140, passed 3-6-2003)

§ 151.120 SPECIAL INSPECTOR IDENTIFIED.

(A) When special inspection is required by the Building Code, the architect or engineer of record shall prepare an inspection program, which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of the individuals or firms who are to perform the special inspections, and indicate the duties of the special inspectors.

(B) The owner, the engineer or architect of record, or the agent of the owner, but not the contractor or any other person responsible for the work, shall employ the special inspector.

(Ord. 140, passed 3-6-2003)

§ 151.121 ISSUANCE OF PERMITS.

(A) The Building Official shall review the application, plans, specifications, computations, and other data filed by an applicant for a permit. These plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the Building Code and other pertinent laws and ordinances, and that the required fees have been paid, the Building Official shall issue a permit therefor to the applicant after approval of the Village Board of Trustees.

(B) When the Building Official issues the permit where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications "APPROVED." The approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by the Building Code shall be done in accordance with the approved plans.

(C) The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Building Code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

(Ord. 140, passed 3-6-2003)

§ 151.122 RETENTION OF PLANS.

The Building Official or village shall retain 1 set of approved plans, specifications, and computations for a period of 3 years after the issuance of the permit. One set of approved plans and specifications shall be returned to the applicant to be kept on the site of the building or work at all times during which the work authorized thereby is in progress. One set of plans shall be sent to the County Assessor's office.

(Ord. 140, passed 3-6-2003)

§ 151.123 VALIDITY OF PERMIT.

The issuance or granting of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for nor an approval of any violation of any of the provisions of the Building Code or any other ordinance of this jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the Building Code or other ordinance shall not be valid.

(Ord. 140, passed 3-6-2003)

§ 151.124 EXPIRATION.

(A) (1) Every permit issued under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by the permit is not commenced within 6 months of the date of issuance of the permit. If the work has commenced and been inspected by the Building Official within the initial 6 months, the permit shall remain valid until 30 months after the date of the issuance of the permit.

(2) Where special or extenuating circumstances are known to exist, the Building Official may restrict the duration of a permit to less than the 6-month start, 30-month finish stated herein. Any such permit must be marked with the alternate expiration dates clearly identified.

(B) In order to renew action on an expired permit, the applicant shall first pay a new, full permit fee and shall obtain a renewal permit. Renewal permits shall be valid for a time period not to exceed 1 year and shall be so marked. No permit may be renewed more than once without approval from the Building Official. After all extensions have expired, the applicant must submit a new application and must comply with the Building Code in effect at the time of the new application.

(C) The Building Official is also authorized to grant extensions of time for commencement of building operations controlled by building permits upon clear and convincing proof of a practical hardship, inadvertent delay in financial arrangements, defects in legal titles, inability to obtain competent workers, material shortages, or other cogent reasons not due to the fault, negligence or failure to act on the part of the owner or his or her agent.
(Ord. 140, passed 3-6-2003)

§ 151.125 SUSPENSIONS OR REVOCATION.

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of the Building Code.
(Ord. 140, passed 3-6-2003)

FEES**§ 151.135 PERMIT FEES.**

Fees shall be assessed in accordance with the provisions of this subchapter.

(A) The fee for each building permit shall be as set forth as follows:

(1) The owner or contractor, on the building permit application, will set forth the valuation;

(2) However, during the plan review this valuation will be adjusted to a valuation of no less than \$60 per square foot of new construction.

(B) The Building Official shall make the determination of value or valuation for assessing the permit fee. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued. The building permit fees provided by the village ordinances shall apply and be controlling throughout the municipality and throughout its zoning jurisdiction.

(Ord. 140, passed 3-6-2003)

§ 151.136 BUILDING PERMIT FEES.

(A) The fee for building permits will be assessed according to the schedule below:

- (1) Structure, \$3 per \$1,000 of estimated construction cost, plus a \$25 flat fee.
- (2) Fences (under 6 feet in height), \$10.
- (3) Foundation repairs (in which the cost of repair exceeds \$500), \$25.
- (4) Demolition permit, \$25.

(B) (1) For demolition of a structure and in addition to the permit fee authorized in this section, a deposit of \$500 shall be paid by the applicant to defray cost of disconnection of water and sewer lines from the village. The customer shall hire a village licensed plumber or drain layer for this purpose. Upon verification from the Village Water/Wastewater Department, the deposit fee shall be refunded. If the customer fails to disconnect the water and sewer services within 60 days after issuance of a demolition permit, the Village Water/Wastewater Department shall proceed to do so. The balance of the \$500 deposit, if any, will be refunded to the consumer with an itemized statement of costs. Costs in addition to the deposit will be billed after disconnection.

(2) This deposit shall not be required for structures not connected to village water and sewer.
(Ord. 140, passed 3-6-2003)

§ 151.137 OTHER INSPECTIONS AND FEES.

(A) *Penalty fees.* Work without a permit, double fee.

(B) *Exceptions to doubling fees.* No double fee penalty set forth in this chapter shall be imposed if the work is of an emergency nature where a delay in performing the work may cause a risk to life or health or will significantly increase the risk of property damage; provided, a permit is applied for within 48 hours of commencing the work, in which case no penalty shall be imposed.

(Ord. 140, passed 3-6-2003)

§ 151.138 FEE REFUNDS.

(A) The Building Official, or his or her representative(s), may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

(B) The Building Official, or his or her representative(s), shall not authorize refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(C) The Building Official, or his or her representative(s), may authorize refunding of not more than 80% of the building permit fee when work authorized by the permit has not been commenced.
(Ord. 140, passed 3-6-2003)

INSPECTIONS**§ 151.150 GENERAL.**

(A) All construction or work for which a permit is required shall be subject to inspection by the Building Official, and all this construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official.

(B) It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(C) A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.
(Ord. 140, passed 3-6-2003)

§ 151.151 INSPECTION REQUESTS.

It shall be the duty of the persons doing the work authorized by the permit to notify the Building Official 24 hours in advance that the work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of the work.
(Ord. 140, passed 3-6-2003)

§ 151.152 APPROVAL REQUIRED.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official.
(Ord. 140, passed 3-6-2003)

§ 151.153 REQUIRED INSPECTIONS.

The Building Official, upon notification, shall make the following inspections and shall approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code:

(A) *Foundation inspection.* To be made after excavations for footings are complete and any required reinforcing steel is in place, and before any concrete is placed.

(B) *Concrete slab or under-floor inspection.* To be made after all in-slab or under-floor building service equipment, piping accessories and/or other ancillary equipment is in place, but before any concrete is placed.

(C) *Rough-in inspections.* Rough-in mechanical features include electrical, plumbing, heating, ventilating, refrigeration, and air conditioning.

(1) *Rough plumbing.* To be made after all fixture outlets, water heater, vents, water lines, waste lines, and sewer lines have been installed.

(2) *Rough electrical.* All electrical inspections and permits are required to be obtained and done by the State of Nebraska.

(3) *Rough mechanical.* To be made after all heating, refrigeration compressors, venting pipes, and conditioned air ducts have been installed. All mechanical inspections must be made prior to the installation of any insulation and/or wallboard.

(D) *Frame inspection.* To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys, and vents are complete, and the rough electrical, plumbing, and heating wires, pipes and ducts are approved.

(E) *Final inspection.* To be made after the building is completed and ready for occupancy. There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.
(Ord. 140, passed 3-6-2003)

§ 151.154 REINSPECTION.

Whenever the Building Official must make a third or subsequent inspection of the same portion of work in order to grant approval of the work, a reinspection fee of \$35 may be assessed. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(Ord. 140, passed 3-6-2003)

FINAL OCCUPANCY**§ 151.165 ONE-AND TWO-FAMILY DWELLINGS.**

It shall be unlawful to occupy or use any 1- or 2-family dwelling or its accessory structures until the Building Official has approved final inspections, except as provided in § 151.154.

(Ord. 140, passed 3-6-2003) Penalty, see § 10.99

§ 151.166 ALL OTHER STRUCTURES.

(A) No vacant land, building, or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefor.

(B) Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the Building Code, of this chapter, or of any other ordinance of this jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of the Building Code, this chapter, or any other ordinance of the jurisdiction shall not be valid.

(Ord. 140, passed 3-6-2003)

§ 151.167 CHANGES IN USE.

(A) (1) No change shall be made in the character of occupancies or use of any building that would place the building in a different division or different group of occupancies as defined by the Building Code, unless the building is made to comply with the requirements of the Building Code for the division or group of occupancy.

(2) The character of the occupancy of existing buildings may be changed subject to the approval of the Building Official, and the building may be occupied for purposes in other groups without conforming to all the requirements of the Building Code for those groups; provided, the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

(B) No change in the character of occupancy of a building shall be made without a certificate of occupancy. The Building Official may issue a certificate of occupancy pursuant to the intent of the above exception without certifying that the building complies with all the provisions of the Building Code and this code.

(C) A change in use as defined in the village zoning ordinance shall not necessarily constitute a change in use that requires the issuance of a new certificate of occupancy. In the event of a conflict, the definitions of the Building Code shall govern.
(Ord. 140, passed 3-6-2003)

§ 151.168 CERTIFICATE ISSUED.

(A) After the Building Official inspects the building or structure and finds no violations of the provisions of the Building Code, this code, or any other applicable ordinances, the Building Official shall issue a certificate of occupancy, which shall contain the following:

- (1) The building permit number, if applicable;
- (2) The address of the building or vacant land;
- (3) The name and address of the property owner;
- (4) The name of the business for which the certificate is issued;
- (5) A description of that portion of the building or vacant land for which the certificate is issued;
- (6) A statement that the described portion of the vacant land or building has been inspected for compliance with the requirements of the Building Code and this chapter for the group and division of occupancy and the use for which the proposed occupancy is classified; and
- (7) The name of the Building Official.

(B) No certificate of occupancy will be issued for R-3 single-family residence as set forth by the Uniform Building Code, unless required by a lending institution for the purpose of a loan.
(Ord. 140, passed 3-6-2003)

§ 151.169 TEMPORARY CERTIFICATE.

If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building

or structure. The means of egress and the fire protection features shall be in place and continuously maintained for the portion occupied.
(Ord. 140, passed 3-6-2003)

§ 151.170 POSTING.

The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.
(Ord. 140, passed 3-6-2003)

§ 151.171 REVOCATION.

The Building Official may, in writing, suspend or revoke a certificate of occupancy whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any of the provisions of the Building Code or of any other ordinance or regulation.
(Ord. 140, passed 3-6-2003)

MOVING OF BUILDINGS

§ 151.185 REGULATIONS.

(A) It shall be unlawful for any person, firm, or corporation to move any building or structure within the municipality without a written permit to do so.

(1) Application may be made to the Village Clerk-Treasurer and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and any other information as the Board of Trustees may require.

(2) 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 building is presently located.

(3) The Village Clerk-Treasurer shall refer the application to the Board of Trustees for approval of the proposed route over which the building is to be moved. Upon approval of the Board of Trustees, the Village Clerk-Treasurer shall then issue the permit, provided that a good and sufficient corporate surety bond, check, or cash, in an amount set by motion of the Board of Trustees and conditioned upon moving the building without doing damage to any private or municipal property, is filed with the Village Clerk-Treasurer prior to the granting of any permit.

(B) No moving permit shall be required to move a building that is 10 feet wide or less, and 20 feet long or less, and when in a position to move, 15 feet high or less.

(C) 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 poles, wires, or line shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the poles, wires, or line relative to the building moving operation. All expense of the disconnection, removal, or related work shall be paid in advance by the licensee unless the disconnection or work is furnished on different terms as provided in the company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the municipality, notice in writing of the time and route of the building moving operation shall be given to the various municipal officials in charge of the municipal utility departments, who shall proceed in behalf of the municipality and at the expense of the mover to make the disconnections and do any work as is necessary.

Penalty, see § 10.99

§ 151.186 DEPOSIT.

(A) At the time that the building moving has been completed, the Building Inspector or other designated official shall inspect the premises and report to the Village Clerk-Treasurer as to the extent of damages, if any, resulting from the relocation and whether any municipal laws have been violated during the operation.

(B) (1) Upon a satisfactory report from the Building Inspector or other designated official, the Village Clerk-Treasurer shall return the corporate surety bond, cash, or check deposited by the applicant.

(2) In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the Board of Trustees may apply the money deposited for the purpose of defraying the expense of correcting the conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by the Board of Trustees, as required herein, the Board of Trustees may recover the excess expense by civil suit or otherwise as prescribed by law.

CHAPTER 152: MUNICIPAL PLANNING; SUBDIVISION REGULATIONS

Section

152.01 Subdivision regulations adopted

§ 152.01 SUBDIVISION REGULATIONS ADOPTED.

(A) To provide for harmonious development of the municipality 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; ensure conformance of subdivision plans with capital improvements programs of the municipality; and to secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance by subdivides and the Planning Commission and Board of Trustees, the subdivision regulations for the Village of Goehner, as prepared by the Village of Goehner, and adopted by Ordinance No. 144, October 5, 2004, 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.

(B) One copy of the subdivision regulations shall be kept on file with the Village Clerk-Treasurer and available for public inspection during regular office hours.
(Ord. 144, passed 10-5-2004)

CHAPTER 153: MUNICIPAL PLANNING; ZONING REGULATIONS

Section

- 153.01 Zoning regulations adopted
- 153.02 Official zoning map adopted

§ 153.01 ZONING REGULATIONS ADOPTED.

(A) (1) For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community of Goehner, Nebraska 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 Goehner, presented and prepared by the village, are hereby adopted.

(2) The adoption of these zoning regulations shall include any amendments thereto as may be made from time to time.

(3) The zoning regulations, as well as the amendments, are hereby incorporated by reference in this section as if set out in full.

(B) One copy of the zoning regulations shall be maintained by the Village Clerk-Treasurer at the village office and available for public inspection during regular office hours.
(Ord. 143, passed 10-5-2004)

§ 153.02 OFFICIAL ZONING MAP ADOPTED.

(A) The Village of Goehner, Nebraska and certain properties within and up to 1 mile in all directions 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 of Goehner, and further declared to be part of the zoning chapter.

(B) The official zoning map shall be identified by the signature of the Chairperson of the Board of Trustees, attested to by the Village Clerk-Treasurer and bearing the seal of the village under the following words:

“This is to certify that this is the Official Zoning Map referred to in Section 4.3 of Ordinance No. 143 of the Village of Goehner, Nebraska, adopted October 5, 2004. The official zoning map of the area within the corporate limits and the planning jurisdiction area adjacent and 1 mile beyond the corporate limits of the Village of Goehner, together with all changes, amendments, or additions thereto, shall be maintained in the office of the Village Clerk-Treasurer and available for public inspection during regular office hours.”

(Ord. 143, passed 10-5-2004)