

# **Municipal Code of the City of Battle Creek, Nebraska**

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## **CHAPTER 9 – BUILDING REGULATIONS**

### **Article 1 – Building Permits**

#### **§9-101 PERMITS; APPLICATION, FEE.**

Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building or dwelling or cause the same to be done shall file with the City Clerk an application for a building permit. The application shall be in writing on a form to be furnished by the City Clerk. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor, and such other information as may be requested thereon. The application, plans, and specifications so filed with the City Clerk shall be checked and examined by the Zoning Administrator and if they are found to be in conformity with the requirements of this Chapter and all other ordinances applicable thereto, the City Council shall authorize the City Clerk to issue the said applicant a permit upon the payment of the permit fee set by ordinance of the City Council. (Ref. 17-130 through 17-132, 17-550, 17-1001 RS Neb.)

## **§9-102 LIMITATION.**

If the work for which a permit has been issued shall not have begun within 12 months of the date thereof or if the construction shall be discontinued for a period of 12 months, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

## **§9-103 BUILDING PERMITS; DUPLICATE TO COUNTY ASSESSOR.**

Whenever a building permit is issued for the erection, alteration, or repair of any building within the City's jurisdiction and the improvement is \$2,500 or more, a duplicate of such permit shall be issued to the County Assessor. (Neb. RS 18-1743) (Am. by Ord. No. 2004-001, 1/12/04)

## **§9-104 PLANS, MAPS, AND THE LIKE; ENGINEERS AND ARCHITECTS REGULATION ACT.**

A municipal official charged with the duty or responsibility of accepting or approving plans, specifications, plats, and reports shall not accept or approve plans, specifications, plats, or reports which have not been prepared in accordance with the Engineers and Architects Regulation Act. (Ref. 81-3447 RS Neb.) (Ord. No. 98-363, 1/11/99)

## **§9-105 PLANS, MAPS, AND THE LIKE; GEOLOGISTS 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. (Neb. RS 81-3538) (Ord. No. 2005-003, 5/9/05)

# **Article 2 – Building Moving**

## **§9-201 REGULATIONS.**

(1) It shall be unlawful for any person, firm, or corporation to move any building or structure within the City without a building permit and a written moving permit to do so. Application may be made to the City Clerk and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the City Council may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The City Clerk shall refer the said application to the City Police for approval of the proposed route over which the said building is to be moved.

(2) Upon approval of the City Council, the City Clerk shall then issue the said permit; provided, that a good and sufficient corporate surety bond, check, or cash in an amount set by resolution of the City Council and conditioned upon moving said building without doing damage to any private or city property is filed with the City Clerk prior to the granting of any permit. No moving permit shall be required for moving 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.

(3) In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the said poles, wires, or line relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise.

(4) Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the City, notice in writing of the time and route of the said building moving operation shall be given to the various city officials in charge of the city utility departments, who shall proceed on behalf of the City and at the expense of the mover to make such disconnections and do such work as is necessary. (Also see Section 3-311)

#### **§9-202 DEPOSIT.**

At such time as the building moving has been completed, the City Police and necessary city officials shall inspect the premises and report to the City Clerk as to the extent of damages, if any, resulting from the said relocation and whether any city laws have been violated during the said operation. Upon a satisfactory report from the City Police and necessary city officials, the City Clerk shall return the corporate surety bond, cash, or check deposited by the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the City Council may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by resolution of the City Council, as required herein, the City Council may recover such excess expense by civil suit or otherwise as prescribed by law.

### **Article 3 – Barricades and Lights**

#### **§9-301 REQUIRED AT WORK SITES.**

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the City to have during such work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day and by warning lights at night. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this Section and the City Police or the Zoning Administrator shall stop all work until guards are erected and maintained as required.

### **Article 4 – Unsafe Buildings**

#### **§9-401 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, which may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located and such special assessment shall be a lien on the real estate, collected in the manner provided for special assessments; or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. (Ref. 18-1720, 18-1722, 18-1722.01, 77-1725 RS Neb.) (Ord. No. 211, 2/11/91)

## **Article 5 – Penal Provision**

### **§9-501 VIOLATION; PENALTY.**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Am. by Ord. No. 2009-007, 6/8/09)