

Chapter 9

BUILDING REGULATIONS

Article 1. Building Inspector

§9-101 BUILDING INSPECTOR; POWER AND AUTHORITY. The Building Inspector shall be the Municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall inspect all buildings repaired, altered, built, or moved in the Municipality as often as necessary to insure compliance with all Municipal ordinances. He shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He shall issue permission to continue any construction, alteration, or relocation when he is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one (1) hour. Such written order may be served by any Municipal Policeman. In the event that the Governing Body fails to appoint a Building Inspector, the Utilities Superintendent shall be the Building Inspector ex officio.

§9-102 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.

Article 2. Building Code

§9-201 BUILDING CODE; ADOPTED BY REFERENCE. To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the BOCA Basic Building Code, 1975 Edition, published by the Building Officials & Code Administrators International, Inc., and printed in book form is hereby incorporated by reference as amended herein, and also incorporated in addition are all amended editions as though printed in full herein. The following amendments and deletions to said printed Code are hereby adopted:

107.1. The department of building inspection of the City of Bridgeport, Nebraska, is hereby created and the executive official in charge thereof shall be known as the building official. The City utilities superintendent shall be ex-officio to building official.

107.2. Deleted.

107.5. Deleted.

107.6. Deleted.

127.2.1 The Mayor and City Council shall constitute the Board of Appeals.

127.2.2. Deleted.

Three (3) copies of the Building Code are on file at the office of the Municipal Clerk and are available for public inspection at any reasonable time. The provisions of the Building Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. *(Ref 17-1001, 18-132, 19-902, 19-922 RS Neb.) (Amended by Ord. No. 417, 2/19/76)*

Article 3. Housing Code

§9-301 HOUSING CODE; ADOPTED BY REFERENCE. To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in houses hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the Uniform Housing Code, 1967 Edition, Copyright International Conference of Building Officials, printed in book or pamphlet form is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska. All prior ordinances in conflict herewith shall be and are hereby repealed. Three (3) copies of the Housing Code are on file at the office of the Municipal Clerk and are available for public inspection at any reasonable time. The provisions of the Housing Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref. 17-1001; 18-132, 18-2146 RS Neb.*)

Article 4. Plumbing Code

§9-401 **PLUMBING CODE; ADOPTED BY REFERENCE.** To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and heating shall be as found in the National Plumbing Code, 1966 Edition, published in book or pamphlet form by the American Society of Mechanical Engineers, in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. All prior ordinances in conflict herewith shall be and are hereby repealed. Three (3) copies of the Plumbing Code are on file at the office of the Municipal Clerk and are available at any reasonable time. The Provisions of the Plumbing Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref. 17-1001, 18-132 RS Neb.*)

Article 5. Electrical Code

§9-501 **ELECTRICAL CODE; ADOPTED BY REFERENCE.** To provide certain minimum standards, provisions and requirements for safe and fireproof installation, methods of connection and uses of materials in the installation of electrical wiring and appliances shall be as found in The National Electrical Code, 1965 Edition, as recommended and published by the National Fire Protection Association, printed in book or pamphlet form, in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. All prior ordinances in conflict herewith shall be and are hereby repealed. Three (3) copies of the Electrical Code are on file at the office of the Municipal Clerk and are available for public inspection at any reasonable time. The provisions of the Electrical Code shall be controlling throughout the Municipality and through out its zoning jurisdiction. (*Ref. 17-001, 18-132 RS Neb.*)

Article 6. Unsafe or Substandard Buildings

§9-601 UNSAFE OR SUBSTANDARD BUILDINGS; PURPOSE. The purpose of this Article is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use of occupancy, location and maintenance of all residential and commercial buildings and structures within this jurisdiction. (*Ord. No. 710, 6/7/01*)

§9-602 UNSAFE OR SUBSTANDARD BUILDINGS; ENFORCEMENT. (1) *Authority.* The Building Official is hereby authorized and directed to enforce all of the provisions of this Article. For such purposes, he may have the assistance of the Chief of Police.

(2) *Right of Entry.* Whenever necessary to make an inspection to enforce any of the provisions of this Article, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Article, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; provided that if such building or premises be unoccupied, he shall first make reasonable effort to locate the owner or other persons having charge or control to the building or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(3) *Responsibilities Defined.* (a) Every owner remains liable for violation of duties imposed upon him by this Article even though an obligation is also imposed on the occupants of his building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Article.

(b) All buildings and structures and all parts thereof shall be maintained in a safe and sanitary condition. The owner or his designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be reinspected.

(c) Every owner, or his agent in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two (2) or more dwelling units.

(d) Every owner shall, where required by this Article or other health official, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

(e) Every occupant of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage and other organic waste in a manner required by code.

(f) Every occupant shall, where required by this Article or designated health officer, furnish and maintain approved devices, equipment or facilities necessary to keep his premises safe and sanitary. (*Ord. No. 710, 6/7/01*)

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§9-603 UNSAFE OR SUBSTANDARD BUILDINGS; DEFINITIONS. For the purpose of this Article, certain terms, phrases, words and their derivatives shall be construed as specified in either this Article or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's New World Dictionary Third College Edition, shall be considered as providing ordinary accepted meanings.

BUILDING CODE. The International Building Code, 2000 Edition as adopted by this jurisdiction.

ELECTRICAL CODE. The National Electric Code (NEC) as adopted by this jurisdiction.

HOT WATER. Hot water supplied to plumbing fixtures at a temperature of not less than 110 degrees.

NUISANCE. The following shall be defined as nuisances:

(1) Any public nuisance known at common law or in equity jurisprudence or as defined elsewhere in this Code.

(2) Any attractive nuisance which may prove detrimental to children whether in a building, or the premises of a building, or upon in unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash fences, debris or vegetation which may prove a hazard for inquisitive minors.

(3) Whatever is dangerous to human life or is detrimental to health, as determined by the Building Official or his/her designee.

(4) Overcrowding a room with occupants.

(5) Insufficient ventilation or illumination.

(6) Inadequate or unsanitary sewage or plumbing facilities.

(7) Uncleanliness, as determined by the Building Official.

(8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Building Official. (*Ord. No. 710, 6/7/01*)

§9-604 UNSAFE OR SUBSTANDARD BUILDINGS; DWELLING STANDARDS. (1) *Bathroom.* Every dwelling unit and every lodging house shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

(2) *Kitchen.* Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted.

(3) *Fixtures.* All plumbing fixtures shall be connected to a sanitary sewer. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. All plumbing fixtures shall be of an approved glazed earthenware type of a similarly nonabsorbent material.

(4) *Installation and Maintenance.* All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Building Code.

(5) *Accumulation of Rubbish or Garbage.* The interior of every structure shall be free from any accumulation of litter, as defined in this Code.

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(6) *Structural Requirements.* Buildings or structures may be of any type of construction permitted by the Building Code and this Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness. All wood shall be protected against termite damage and decay as provided in the Building Code. (*Ord. No. 710, 6/7/01*)

§9-605 UNSAFE OR SUBSTANDARD BUILDINGS; SUBSTANDARD BUILDINGS.

(1) *General.* Any building or portion thereof, including any dwelling unit, or premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public, or the occupants thereof, shall be deemed and hereby is, declared to be a substandard building. The extent of danger of life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be determined by the Building Official and upon request the Chief of Police and/or the Chief of the Fire Department and/or the City Engineer. All buildings or portions thereof which are determined to be substandard as defined in this Article are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Code.

(2) *Inadequate Sanitation.*

- (a) Lack of, or improper water closet, lavatory bathtub or shower in a dwelling unit.
- (b) Lack of, or improper kitchen sink in a dwelling unit.
- (c) Lack of hot and cold running water in a dwelling unit.
- (d) Lack of adequate heating facilities in a dwelling unit.
- (e) Dampness of habitable rooms.
- (f) Infestation of insects, vermin, or rodents as determined by Health Officer.
- (g) General dilapidation or improper maintenance.
- (h) Lack of connection to required sewage disposal system.

(3) *Structural Hazards.*

- (a) Deteriorated or inadequate foundation.
- (b) Defective or deteriorated flooring or floor supports.
- (c) Members of walls, partitions, ceilings, or other vertical or horizontal members that sag, split, buckle, lean, list due to defective material or deterioration.

(4) *Nuisance.* Any nuisance as defined in this Code.

(5) *Hazardous Wiring, Plumbing, Mechanical Equipment.* Any electrical, plumbing or mechanical work done in violation of code requirements at the time it was installed not installed in generally accepted construction practices.

(6) *Faulty Weather Protection.* Shall include but not be limited to the following:

- (a) Deteriorated, crumbling or loose plaster.
- (b) Deteriorated or ineffective waterproofing or exterior walls, roof, foundations, or floors, including broken windows or doors.
- (c) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
- (d) Broken, rotten, split or buckled exterior wall coverings or roof coverings.

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(7) *Fire Hazard.* Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of the Fire Department is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(8) *Hazardous or Unsanitary Premises.* Those premises on which an accumulation of litter, weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards. (*Ord. No. 710, 6/7/01*)

§9-606 UNSAFE OR SUBSTANDARD BUILDINGS; ABATEMENT. (1) *Condemnation of Unsafe Buildings.* Any building or other structure, or any part thereof which is in part or in whole structurally unsafe, dilapidated, defective, unhealthful, insufficient, or unsafe for the purposes for which it is used, detrimental to the community for any just cause, or in violation of this Code or International Building Code as amended and adopted, is hereby determined to be dangerous and shall be made safe by the owner of record of the property within the time set forth in written notice from the Building Official. Where immediate action is deemed necessary to protect life, health or property, the Building Official may direct such building or other structure or portion thereof to be vacated forthwith, closed and not used or occupied until made safe as required by the Building Official. Any buildings or other structures, or any part thereof which is determined after inspection by the Building Official to be dangerous as defined above, are hereby declared to be public nuisances and shall be abated by repair, alteration, rehabilitation, demolition, or removal in accordance with this Article.

(2) *Written Notice; Mailing; Contents.* Whenever the Building Inspector has inspected any building or other structure, or any part thereof and determined that such property is a dangerous, unsafe or substandard building, he/she shall send a written notice to the owner of record of the property by ordinary first class mail and by certified mail, return receipt requested, to the last known address of said owner. The written notice shall contain the following information:

(a) The street address and a legal description sufficient for identification of the premises on which the dangerous property is located.

(b) A brief and concise description of the conditions found to render the property dangerous, unsafe or substandard as defined by this Article.

(c) A brief and concise description of the action required to be taken to render the property in compliance with this Article.

(d) A brief and concise statement advising the owner of record that if required repair, alteration, rehabilitation, demolition or removal work is not completed within the time specified, the Building Official may order the dangerous property vacated and posted to prevent further occupancy until the work is completed, and may request consent of the Mayor to have the City Attorney file an action to abate the public nuisance and charge the costs thereof against the real estate and the owner of record.

(3) *Notice to Vacate; Posting.* In the event the Building Official directs any building or other structure or any portion thereof to be vacated, a copy of a notice to vacate shall be served along with the written notice set forth herein provided for and shall be posted at or upon each entrance to the property in substantially the following form:

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NOTICE TO VACATE
DO NOT ENTER - UNSAFE TO OCCUPY
It is a misdemeanor to occupy
this property or to remove or
deface this notice to vacate.
Dated: _____
CITY OF BRIDGEPORT, NEBRASKA
A municipal corporation
By: _____
Building Official

(4) *Procedure for Abatement of Nuisances.* If the owner of record of any property declared to be a public nuisance, as described in this Article, by the Building Official fails to abate said nuisance within the time specified in the written notice herein provided for, the City Attorney may, at the written request of the Building Official and Mayor, proceed to abate said public nuisance pursuant to this Code, and charge the costs thereof against the real estate or the owner of record. In the event continuation of a public nuisance might cause irreparable harm or poses a serious threat to public health, safety or welfare or the health, safety or welfare of residents of the property in violation, the written notice to abate shall not be required as a condition precedent to commencing a legal action to obtain abatement of the nuisance and the City, with the consent of the Mayor, may immediately file an action requesting such temporary or permanent order as is appropriate to expeditiously and permanently abate said nuisance and protect the public health, safety or welfare or the health, safety or welfare of the residents of the property in violation.

(5) *Standards for Repair, Etc.* The following standards shall be observed or followed in determining whether a public nuisance shall be repaired, altered, rehabilitated, demolished or removed:

(a) If the building or other structure or any part thereof can reasonably be repaired, altered, or rehabilitated so that it will no longer exist in violation of this Code or International Building Code as amended and adopted, it shall be ordered repaired, altered or rehabilitated.

(b) If the building or the structure or any part thereof is in such condition that is cannot reasonably be repaired so that it will no longer exist in violation of this Code or International Building Code as amended and adopted, it shall be ordered demolished or removed.

(c) In any case where a building or other structure or any part thereof is fifty percent (50%) damaged, decayed or deteriorated from its original value or structure, it shall be demolished or removed.

(d) In any case where a building or other structure or any part thereof is a fire hazard existing in violation of this Code or International Building Code as amended and adopted, or the statutes of the State of Nebraska, including but not limited to the Life Safety Code, it shall be demolished or removed. (*Ord. No. 710, 6/7/01*)

Article 7. Wells and Other Underground Facilities

§9-701 WELLS AND OTHER UNDERGROUND FACILITIES; DRILLING AND OPERATION WITHOUT A PERMIT UNLAWFUL. From and after the effective date of this article, it shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate city limits of the city without first having obtained the proper permit from the governing body of the city; potable water well, any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlots; livestock pasture or corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well. *(Ord. No. 729, 2/5/04)*

§9-702 WELLS AND OTHER UNDERGROUND FACILITIES; PROCEDURE TO OBTAIN PERMIT. In order to obtain a permit to drill and/or operate any of the facilities listed in §9-701 the owner of the property on which the proposed facility is to be located must make application on the proper form provided by the governing body of the city. Such application must be presented the City Council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the above described facilities, the City Council shall approve or deny said permit. *(Ord. No. 729, 2/5/04)*

§9-703 WELLS AND OTHER UNDERGROUND FACILITIES; DRILLING OR INSTALLATION OF OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM MUNICIPAL WATER SOURCES; PROHIBITED. Under no circumstances shall the City Council approve any permit to drill or operate any of the below described facilities with the indicated number of feet from any city’s municipal water well:

<u>CATEGORY</u>	<u>DISTANCE</u>
Non-potable Water Well	1,000 feet
Sewage Lagoon	1,000 feet
Absorption or Disposal Field for Waste	500 feet
Cesspool	500 feet
Dump	500 feet
Feedlot or Feedlot Runoff	500 feet
Corral	500 feet
Pit Toilet	500 feet
Sanitary Landfill	500 feet
Chemical or Petroleum Products Storage	500 feet
Septic Tank	500 feet
Sewage Treatment Plant	500 feet
Sewage Wet Well	500 feet
Closed Loop Heat System	100 feet
Sanitary Sewer Connection	100 feet
Sanitary Sewer Manhole	100 feet
Sanitary Sewer Line	100 feet
Sanitary Sewer Line (permanently water tight)	10 feet

(Ord. No. 729, 2/5/04)

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§9-704 WELLS AND OTHER UNDERGROUND FACILITIES; PENALTIES AND ABATEMENT PROCEDURE. In the event any of the above described facilities are installed or operated without first having obtained a permit from the city and/or within the designated number of feet from any municipal water supply, then such facilities shall be deemed a nuisance and the governing body shall abate such facility as a public nuisance. In addition thereto, any person violating any of the terms of this article is hereby determined to be "guilty" of a class 3 misdemeanor as the same is defined by Nebraska Statute. The penalty for such violation shall be that as defined by Nebraska law for the violation of a class 3 misdemeanor. (*Ord. No. 729, 2/5/04*)

Article 8. Penal Provision

§9-801 **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 five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.
(Amended by Ord. No. 694, 7/8/99)