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CHAPTER VIII

BUILDING REGULATIONS

ARTICLE I - ZONING AND SUBDIVISION REGULATIONS

SECTION 8-101: ADOPTED BY REFERENCE

For the purpose of setting minimum standards to promote the public health, safety, comfort and general welfare of the community; to preserve and protect property values throughout the City and its surrounding area; to regulate the height, number of stories, and size of buildings and other structures, the size of yards and other open spaces, and the density of population; to create zoning districts within the City and the area outside the City over which it has zoning jurisdiction; to regulate the location and use of buildings and land within each district or zone; to enforce and maintain the objectives and policies of the City Comprehensive Plan; to regulate the development of subdivisions within the City and the outlying areas around the City over which the City has jurisdiction; the Zoning and Subdivision Regulations for the City of Crawford, Nebraska, published in pamphlet form, have been adopted by **Ordinance No. 540, February 6, 2001**. Three copies of the adopted Zoning and Subdivisions Regulations shall be kept on file with the City Clerk and available for inspection by any member of the public during office hours.

ARTICLE II - BUILDING REGULATIONS

SECTION 8-201: BUILDING INSPECTOR; POWERS AND AUTHORITY

The City Council has the power and authority to appoint a building inspector. In the event such appointment is made, the building inspector shall have the duty of enforcing all building and housing regulations as herein prescribed. He/she shall inspect all buildings repaired, altered, built, moved or demolished in the City or its zoning jurisdiction as often as necessary to ensure compliance with all city ordinances. He/she shall have the power and authority to order, at the direction of the City Council, all work stopped on any construction, alteration or relocation that violates any provisions prescribed herein. He/she shall, at the direction of the City Council, issue permission to continue any construction, alteration or relocation, when the City Council 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 hour. Such written order may be served by any peace officer.

SECTION 8-202: BUILDING INSPECTOR; RIGHT OF ENTRY

It shall be unlawful for any person to refuse to allow the building inspector entry into any building or structure where the work of construction, alteration, repair or relocation is taking place, for the purpose of making official inspections at any reasonable hour.

SECTION 8-203: BUILDING PERMITS REQUIRED; APPLICATION, ISSUANCE

Any person desiring a building permit to commence or proceed to erect, construct, repair, relocate or destroy any building or dwelling, or cause the same to be done, including but not limited to, a lawful burning pursuant to Nebraska Revised Statute §28-506, shall file with the City Clerk, for consideration by the City Council, an application therefor, on a form to be furnished by the City Clerk for that purpose, before proceeding with the work. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect and contractor, and such other information as may be requested thereon. The application, plans and specifications so filed with the City Clerk shall be checked and examined by the City Council, and if they are found to be in conformity with the provisions of the ordinances of the City, the City Council shall authorize the City Clerk to issue the said applicant a permit upon payment of the permit fee set by resolution of the City Council.

(Ref. Neb. Stat. §18-1743)

SECTION 8-204: BUILDING PERMIT; 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 \$1,000.00 or more, a duplicate of such permit shall be issued to the county assessor.

(Neb. Rev. Stat. §18-1743)

SECTION 8-205: BUILDING PERMIT; VARIANCE NOT PERMITTED

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

SECTION 8-206: BUILDING PERMIT; TIME OF INSPECTION

The building inspector, upon notification from the permit holder or his/her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his/her agent that the work fails to comply with the requirements of the municipal code:

Foundation inspection shall be made after trenches are excavated and the necessary forms erected;

Frame inspection shall be made after the roof, framing, fire-blocking and backing is in place and all pipes, chimneys and vents are complete;

And final inspection shall be made after the building is completed and ready for occupancy.

It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

SECTION 8-207: PERMIT LIMITATION

If the work for which a permit has been issued shall not be begun within six months of the date thereof, or if the construction shall be discontinued for a period of six months, or if work shall not have been completed within two years from date of issuance, the permit shall be void; and before such work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

SECTION 8-208: BOND REQUIREMENT DESTRUCTION OF BUILDING OR IMPROVEMENT

- A. **Bond Requirement:** It shall be the duty of the owner, lessee or tenant intending the destruction of any building attached to or within fifteen (15) feet of another's building, garage or other structure or a public right of way, to post a \$1,000.00 cash bond with the City Clerk prior to such destruction. This bond will be refunded upon payment of all damages to city property occasioned by such destruction and any cleanup work resulting from such destruction. In the event that a nuisance remains on the building permit site for more than six (6) months after the issuance of the building permit, then the bond shall be forfeited and shall be applied to offset the cleanup by the City or individual.

(Amended March 27, 2007, Ord. No 586)

B. Destruction Of Building Or Improvement

(1) (a) Residential Zone

It shall be the duty of the owner, lessee or tenant intending the destruction of any building in the residential zone to file a permit application to do so with the Planning commission and pay the applicable fees. The fees shall be the same as those which are paid when filing a building permit.

(b) Commercial or Industrial Zone

It shall be the duty of the owner, lessee, or tenant intending the destruction of any building or improvements in the commercial or industrial zones to post a cash bond or surety bond in the amount of \$100.00 with the City prior to said destruction. Should said destruction be contracted with a licensed / bonded contractor, such requirement shall be met.

(Added June 19, 2007, Ord. No 586)

SECTION 8-209: BUILDING WITHOUT PERMIT; NUISANCE

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

SECTION 8-210: UNIFORM CODES; ADOPTED BY REFERENCE

The following official codes, in their present form and as they may hereafter be amended, are hereby designated as Uniform Codes, and are incorporated for reference purposes by reference when the same are applicable to the City:

The operative codes governing all building with the City of Crawford are:

1. The International Building Code (2000 Edition), and
2. The International Residential Code, (2000 Edition).

Whenever a new edition of the above codes is published, the same shall be considered the building codes for the City of Crawford. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Amended Ordinance 564, 8-5-2004).

ARTICLE III - FLOODWAY REGULATIONS

SECTION 8-301: DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

"Development" shall mean any "man-made" change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Flood" shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood proofing" shall mean any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Lowest floor" shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

"Manufactured home" shall mean a structure transportable in one or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

"Manufactured Home Park or subdivision" shall mean a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

"Recreational vehicle" shall mean a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (a) be on the site for fewer than 180 consecutive days, (b) be fully licensed and ready for highway use, or (c) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes." A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

"Regulatory flood elevation" shall mean the water surface elevation of the 100-year flood.

"Special flood hazard area" shall mean the land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

"Structure" shall mean a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

"Substantial improvement" shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either: (1) before the improvement is started, or (2) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term, however, does not include any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of Historic Places.

"100 year flood" shall mean the condition of flooding having a one percent chance of annual occurrence.

SECTION 8-302: ENFORCEMENT OFFICIAL

The Mayor is hereby designated as the Council's duly designated enforcement officer. The Mayor shall be appointed to these additional duties by resolution of the City Council and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the Mayor, the City Council shall designate an acting enforcement official.

SECTION 8-303: FLOOD HAZARD BOUNDARY MAP

The City Council hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map dated June 16, 2011, and amendments, as the official map to be used in determining those areas of special flood hazard.
(Repealed April 12, 2011, Ord. No. 619)

SECTION 8-304: DEVELOPMENT PERMITS REQUIRED

No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure. Within Zone A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.

SECTION 8-305: APPLICATION FOR DEVELOPMENT PERMIT

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. 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 lot, block, tract and house and 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 and specifications for proposed construction.
5. Be signed by the permittee or his/her authorized agent, who may be required to submit evidence to indicate such authority.
6. Within designated flood prone areas, be accompanied by elevations (in relation to a mean sea level) of the lowest floor (including basement) or in the case of flood proofed non-residential structures, the elevation to which it has been flood proofed. Documentation or certification of such elevations will be maintained by the Mayor.
7. Give such other information as reasonably may be required by the Mayor.

SECTION 8-306: REVIEW OF APPLICATION FOR DEVELOPMENT PERMIT

The Mayor shall review each development permit application to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by federal or state law.

SECTION 8-307: REQUIREMENTS FOR DEVELOPMENT PERMIT

The Mayor, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section 8-301 of this article) will:

1. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from federal, state or other sources, until such other data is provided by the Federal Insurance Administration in a flood insurance study; and require within areas designated as Zone A on the official map that the following performance standards be met:

(a) Residential construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.

(b) Non-residential construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local enforcement official.

(c) All new construction and substantial improvements - Require that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Require the use of construction materials that are resistant to flood damage.

3. Require the use of construction methods and practices that will minimize flood damage.

4. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

5. New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

6. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with state laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(a) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at the intermediate locations; and manufactured homes less than 50 feet long requiring one additional tie per side.

(b) Frame ties be provided at each corner of the home, with five additional ties per side at intermediate points; and manufactured homes less than 50 feet long requiring four additional ties per side.

(c) All components of the anchoring system be capable of carrying a force of 4800 pounds.

(d) Any additions to manufactured homes be similarly anchored.

7. Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of paragraph 6.

SECTION 8-308: FINDINGS OF FACT

The City Council shall review all subdivision applications and other proposed new developments, including manufactured home parks or subdivisions, and shall make findings of fact and assure that:

1. All such proposed developments are consistent with the need to minimize flood damage.

2. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five acres or 50 lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

4. All public utilities and facilities are located so as to minimize or eliminate flood damage.

SECTION 8-309: NEW WATER AND SEWER SYSTEMS

New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

SECTION 8-310: ALTERATION OR RELOCATION OF WATERCOURSES

The City Council will insure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate state and federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

SECTION 8-311: AMENDMENTS

The City Council may, from time to time, amend this chapter to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.

ARTICLE IV - MOVING BUILDINGS

SECTION 8-401: TERMS DEFINED

"Building" is a structure designated, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, industrial, institutional, assembly, educational or recreational purposes. A structure with the following dimensions or less shall not fall within this definition: 10 feet wide, 20 feet long, and, when in a position to move, 15 feet high. (SEE ALSO Chapter 8, Zoning Rules/Regulations)

SECTION 8-402: PERMIT REQUIRED

No person shall move any building over, along or across any highway, street or alley in the City without first obtaining a permit from the City Clerk.

SECTION 8-403: APPLICATION

Any person seeking issuance of a permit hereunder shall file an application for such permit with the City Clerk. Upon approval of the City Council, the City Clerk shall then issue the said permit.

A. Form. The application shall be made in writing upon forms provided by the City Clerk and shall be filed in the office of the City Clerk.

B. Contents. The application shall set forth:

1. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;

2. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the City.

3. A legal description of the lot to which the proposed such building be removed, giving lot, block and tract number, if located in the City.

4. The portion of the lot to be occupied by the building when moved;

5. The highways, streets and alleys over, along or across which the building is proposed to be moved;

6. Proposed moving date and hours;

7. Any additional information that the City Council shall find necessary to a fair determination of whether a permit should be issued.

C. Accompanying Papers.

1. Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are

free of any entanglements and that all taxes and any city charge against the same are paid in full.

2. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement of bill of sale signed by the owner, or other sufficient evidence, that he/she is entitled to move the building.

3. Liability Policy. The applicant shall file with the application a certificate of insurance providing coverage for both personal injury and property damage that might occur during the moving of said building. The minimum amount of coverage allowable shall be \$10,000.00 property damage coverage and \$10,000.00 personal injury coverage. The City Council may require coverage in greater amounts if they deem it to be necessary.

D. Fee. The application shall be accompanied by a permit fee in the amount of \$25.00 which shall be paid over by the City Clerk to the city treasurer, who shall credit it to the general fund.

SECTION 8-404: INTERFERENCE

Whenever it shall be necessary for any permittee in moving a building to interfere with any electric, telephone or telegraph poles or wires, the public service company or companies owning, using or operating such poles or wire shall, upon such notice as is provided in their respective franchises, or if no provisions for notice is made therein, then upon 48 hours notice, be present and assist, or, if necessary remove such poles and wires; and the expense of said removal, as estimated, shall be paid in advance by applicant, unless it is otherwise provided in said companies' franchises. Whenever the moving of any building necessitates interference with any water main or sewer main belonging to the City, notice in writing of the time and route of such building moving operations shall be given to the building inspector of the City, who shall proceed in behalf of the city marshal as the managing officers or public service companies are required to proceed in the premises in behalf of the companies. The notice herein provided for shall be given to said city official or Public Service Company or companies, as the case may be, by the licensed house mover.

SECTION 8-405: DUTIES OF PERMITTEE

Every permittee under this ordinance shall:

A. Use Designated Streets. Move a building only over streets designated for such use in the written permit.

B. Notify of Revised Moving Time. Notify the City Clerk in writing of a desired change in moving date and hours as proposed in the application.

C. Notify of Damage. Notify the City Clerk in writing of any and all damage done to property belonging to the City within 24 hours after the damage or injury has occurred.

D. Display Lights. Cause red lights to be displayed during the night time on every side of the building, while standing on the street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building.

E. Street Occupancy Period. Remove the building from the city streets after four days of such occupancy, unless an extension is granted by the Mayor and the City Council.

F. Comply with Governing Law. Comply with the building code, the fire zone, and any zoning ordinances now existing or hereinafter adopted and all other applicable ordinances and laws, if any upon relocating the building in the City.

G. Clear Old Premises. Within ten days from the removal of the building, the permittee shall remove all rubbish and materials and fill all excavations to existing grade at the original site so that the premises are left in a safe and sanitary condition.

H. Remove Services Connections. See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to remove their services.

SECTION 8-406: NO GENERAL LICENSE

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

ARTICLE V - PENAL PROVISION

SECTION 8-501: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, whether set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of 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.