

# CHAPTER VIII

## BUILDINGS AND BUILDING REGULATIONS

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## ARTICLE I. IN GENERAL

### **Sec. 8-1. Enforcement.**

The City Code Official, or his or her designees, shall be responsible for enforcement of the provisions of this chapter.

### **Sec. 8-2. Personal liability of enforcement personnel.**

City officers or employees who are charged with the enforcement of this chapter and who act in good faith and without malice in the discharge of their duties, shall not be personally liable and are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of their duties. Any suit brought against any of such officers or employees because of act or omission performed in the enforcement of any provision of this chapter, shall be defended by the legal department of the City until termination of the proceedings.

### **Sec. 8-3. Wellhead protection.**

See Chapter 6 Public Utilities, Sections 6-320 through 6-329; and Section 6-601:

### **Sec. 8-4. Reserved.**

### **Sec. 8-5. No permit fee for city-owned projects.**

No permit fee shall be assessed for construction or maintenance of any city-owned facility or project. This shall be inclusive of building, plumbing, and mechanical permits, or any other permit that shall be deemed necessary for such project. The City Code Official, or his or her designees may require plan review and inspections for city-owned projects.

### **Sec. 8-6--8-15. Reserved.**

## ARTICLE II. BUILDING CODE

### **Sec. 8-16. Adoption by reference.**

A certain document, one (1) copy which is on file in the office of the city clerk of the City of Albion, Nebraska, being marked and designated as the "2012 International Building Code" as published by The International Code Council, Inc. is hereby adopted as the building code of the City of Albion, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 8-18 of this article.

### **Sec. 8-17. Conflicts.**

In the event of a conflict between the provisions of the publication adopted by reference in this article and any other provisions of this Code, such other provisions of this Code shall be controlling.

### **Sec. 8-18. Additions, insertions and changes.**

The following sections of the building code adopted in Section 8-16 are hereby revised as follows:

*Section (A) 101.1.* Insert: The City of Albion, Nebraska.

*Section (A) 103.1.* Creation of enforcement agency. Amend to read as follows:

The Department of Building Code and Inspection is hereby created and the official in charge thereof shall be known as the City Code Official. The terms City Administrator and Code Official shall be interchangeable as they relate to this code. The City Building Inspector shall serve as Deputy Code Official.

*Section (A) 104.1.* General. Add the following after the last sentence:

The Deputy Code Official shall also be responsible for coordination of street excavation permits and curb grind permits, with approval from the street division and for attendance at board of adjustment meetings and all meeting pertinent to this position.

Insert the following after Sec. 104.7:

*Section (A) 104.9.1.* Payment of fees: The City Code Official, or his or her designees shall keep an accurate account of all fees collected and such collected fees shall be turned in daily to the City Clerk.

*Section (A) 105.2.* Amend item 4 under "Building" to read as follows:

4. Retaining walls less than 48" high when measured from the top of the finished grade at base of retaining wall to top of retaining wall unless supporting a surcharge of impounding Class I, II, or IIIA liquids. Retaining walls over 48" above finished grade shall be provided with a guardrail. The guardrail shall be a minimum of 36" high.

*Section (A) 107.1. General.* Add following sentence to end of Exception:

A plan stamped by a design professional shall not be required for pole/post and beam structures of 2400 square feet or less in R-1 and TA zoning district.

*Section (A) 107.3.1 Approval of construction documents.* Delete this section.

*Section 109.2. Schedule of permit fees.* See Building Permit Fee schedule as established by resolution of the Albion City Council.

*Section (A) 111.2 Certificate issued.*

After the Code Official, or one of his or her designees, inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Department of Building Code and Inspection, the Code Official, or one of his or her designees, may issue a certificate of occupancy.

*Section 114.4. Violation penalties.* Amend to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official or his or her designees, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 115.2. Issuance.* Amend to read as follows:

Upon notice from the code official or his or her designees, work on any building or structure that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the City Code Official, or his or her designees shall not be required to give a written notice prior to stopping the work, however, a written notice as provided for in this section shall be given as soon as practicable following the work stoppage order.

*Section 115.3. Unlawful continuance.* Amend to read as follows:

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 1510.3 Recovering versus replacement.* Add:

4. Architectural laminated asphalt shingles shall not be covered with an additional layer of asphalt shingles.

*Section 1612.3.* Establishment of flood hazard areas. Amend to read as follows:

To establish flood hazard areas, the Albion City Council has adopted flood hazard maps and regulations as set forth in Chapter 9 of the Municipal Code of the City of Albion, Nebraska. The adopted flood hazard maps and supporting data are hereby adopted by reference and declared to be part of this section.

*Section 3412.2.* Applicability. Insert: January 1, 2021

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Adopt Appendix B – Board of Appeals. Amend the following sections to read as follows:

[A] B101.1 Application. The terms Board of Appeals and Board of Adjustment shall be interchangeable as they relate to this code. Any person directly affected by a decision of the City Code Official, or his or her designees or a notice or order issued under this code shall have the right to appeal to the Board of Adjustment, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. A fee set forth by resolution of the City of Albion, Nebraska shall accompany each application for appeal to the board of adjustment which fee shall be refunded to the applicant in the event the Board of Adjustment finds in favor of the applicant. The applicant shall also pay all publication costs necessitated by the filing of said application as well as all costs associated with arranging for the presence of a court reporter at the hearing and the costs for creating a transcript of the hearing.

[A] B101.2.1 Alternate members. The chief appointing authority shall appoint one alternate member who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for 5 years, or until a successor has been appointed.

[A] B101.2.2 Qualifications. The Board of Adjustment shall consist of members who are qualified by experience and training to review matters pertaining to building construction and are not employees of the jurisdiction.

[A] B101.3 Notice of meeting. The board shall meet upon notice from the chairperson, within 60 days of the filing of an appeal or at regularly scheduled meetings.

Adopt Appendix F – Rodent Proofing.

## **Sec. 8-19. Beginning construction without obtaining permit.**

No person shall begin to construct, erect, enlarge, structurally alter or demolish any building, structure or sign without first obtaining a building permit. All permit fees shall be paid prior to the issuance of any permit.

## **Sec. 8-20. Finished Walls.**

1. Sheetrock/paneling shall not be installed over existing wall/ceiling surfaces unless approved by the code official or building inspector.
2. Uninhabitable basements shall not have non-structural partition walls. Basements without code compliant stairways, minimum ceiling heights and at least one egress window shall be considered to be uninhabitable.

## **Secs. 8-21--8-30. Reserved.**

## ARTICLE III. BUILDING CONTRACTORS

### DIVISION 1. GENERALLY

**Secs. 8-31--8-35. Reserved.**

### DIVISION 2. REGISTRATION

**Sec. 8-36. Registration certificate--Required; exceptions.**

(a) Every person engaged in the business of constructing, altering, repairing, or remodeling of any building, including but not limited to commercial buildings and one- and two-family dwellings, shall register as a building contractor with the city. Any person who is the owner and will reside in the one-family dwelling he or she is constructing is exempted from the registration requirement set forth in this section provided he or she constructs not more than one (1) dwelling in a two-year period and certifies in writing that he or she will reside in such dwelling following its completion.

(b) The requirements of this section shall not apply to any property owner constructing, altering or remodeling a sign equal to or less than eighty (80) square feet in area on his or her own property.

**Sec. 8-37. Same--Prerequisite to building permit.**

Registration required pursuant to the provisions of this division of the Code shall be completed before any building permit is issued. No building permit shall be issued until a copy of the registration has been filed in the office of the City Code Official, or his or her designees. The registration requirement of this section may be waived at the discretion of the code official or his or her designees when the contemplated project is less than two thousand dollars (\$2,000.00), is minor in regard to construction techniques and design, and does not affect life safety elements. In no event shall the registration requirement of any person be waived when said person is issued more than one building permit in any calendar year.

**Sec. 8-38. Same--Fee.**

Any person desiring a contractor's registration shall pay a fee as established by resolution of the City Council.

### **Sec. 8-39. Same--Certificate of insurance.**

(a) No registration shall be completed pursuant to the provisions of this division until the applicant for same furnishes and maintains during all times that the registration is in effect, bodily injury and property damage liability insurance coverage with limits of at least five hundred thousand dollars (\$500,000.00) per occurrence.

(b) No registration shall be completed pursuant to the provisions of this division until the applicant for the same furnishes and maintains during all times that the registration is in effect, workers compensation insurance as required by the State of Nebraska Worker's Compensation Act, unless registration includes evidence of Worker's Compensation exemption - such evidence may be provided via a search of the State of Nebraska Department of Labor contractor registration database.

(c) The registrant shall furnish the city with a certificates of required insurance coverage, which shall note that the insurance coverage shall not be terminated except upon thirty (30) days' written notice to the City of Albion.

(d) The policy of insurance required by this section shall be purchased at the expense of the registrant, shall be in effect for at least one (1) year from the date of registration, and shall provide coverage of products, hazards and completed operations. Expiration or cancellation of the policy shall automatically suspend the registration until a substitute policy has been obtained, and a certificate of that fact filed in the office of the city.

### **Sec. 8-40. Same--Expiration date.**

Registration pursuant to the provisions of this division shall expire after one year from the date of issuance.

### **Sec. 8-41. Same--Suspension or revocation.**

(a) If a registered building contractor shall willfully or repeatedly violate any ordinance or law relating to the construction of a building or structure, the Board of Adjustment established by the building code adopted by the City may suspend such registration and such suspension shall continue unless and until the Board of Adjustment shall terminate the suspension. The City Code Official, or his or her designees shall serve or cause to be served upon the registrant a notice in writing specifying the grounds for suspension.

(b) Any failure on the part of a registered building contractor to comply with the provisions of this chapter or be responsible for any installation which is a hazard to life and property shall be deemed sufficient cause for revoking the building contractor's registration, together with all rights and privileges thereunder. The Board of Adjustment established by the building code adopted by the City may revoke the building contractor's registration upon the recommendation of the City Code Official, or his or her designees following a public hearing. The clerk is hereby authorized to refuse registration to any contractor who as an individual has had his or her registration revoked or who has acted as a principal in any business which has had its registration revoked pursuant to this section in the previous five (5) years. Such refusal may extend to the revoked registrant and also to any business entity seeking registration in which said individual or principal is acting as a principal.

### **Secs. 8-42--8-50. Reserved.**





## ARTICLE IV. ELECTRICAL CODE\*

### DIVISION 1. GENERALLY

#### **Sec. 8-51. State Electrical Act--Referenced.**

The City of Albion defers to the Nebraska State Electrical Act and the State Electrical Board Rules for all matters pertaining to electrical code enforcement.

A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Albion, Nebraska, being marked and designated as the "State Electrical Act and State Electrical Board Rules," as published by the State of Nebraska.

#### **Sec. 8-52. Electrical Code--Adopted.**

A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Albion, Nebraska, being marked and designated as "The National Electrical Code," as published by the National Fire Protection Association, and as adopted by the State of Nebraska, is hereby adopted as the Electrical Code of the City of Albion, Nebraska.

#### **Sec. 8-53. Electrical Code Enforcement**

The State of Nebraska Electrical Board is hereby authorized and directed to enforce all of the provisions of Sections 8-51 and 8-52 within the jurisdiction of the City of Albion, Nebraska.

#### **Secs. 8-53—8-105. Reserved**

## ARTICLE V. MECHANICAL CODE

### **Sec. 8-106. Adoption by reference.**

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Albion, Nebraska, being marked and designated as the "2012 International Mechanical Code" and all appendices, as published by the International Code Council, is hereby adopted as the Mechanical Code of the City of Albion, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 8-107 of this article.

### **Sec. 8-107. Additions, insertions and changes.**

The following sections of the mechanical code adopted in section 8-106 are hereby revised as follows:

*Section 101.1:* Insert: The City of Albion, Nebraska.

*Section 106.5.1:* Delete this section in its entirety.

*Section 106.5.2:* Insert the Building Permit Fees as set forth by resolution of the Albion City Code.

*Section 106.5.3:* Amend to read as follows:

Fee Refunds. The City Code Official, or his or her designees is authorized to establish a refund policy.

*Section 108.4:* Amend to read as follows:

Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter or repair mechanical systems in violation of the approved construction documents or directive of the code official or building inspector, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 108.5:* Amend to read as follows:

Stop work orders. Upon notice from the City Code Official, or one of his or her designees, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the City Code Official, or his or her designees shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

*Sections 109.2 through 109.7:* Delete these sections in their entirety.

*Section 202:* Add definition:

PACKAGED TERMINAL AIR CONDITIONER (PTAC). A type of self-contained heating and air conditioning system unit commonly found in hotels, motels, senior housing facilities, hospitals, condominiums, apartments, add-on rooms, and sun rooms.

*Section 805.3: Factory built chimney offsets:* Delete this section in its entirety.

**Secs. 8-108--8-120. Reserved.**

## ARTICLE VI. PLUMBING

### DIVISION 1. GENERALLY

#### **Sec. 8-121. International Plumbing Code--Adopted.**

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Albion, Nebraska, being marked and designated as the "2012 International Plumbing Code," and all Appendices as published by The International Code Council, is hereby adopted as the Plumbing Code of the City of Albion, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 8-122 of this article.

#### **Sec. 8-122. Same--Additions, insertions and changes.**

The following sections of the plumbing code adopted in section 8-121 are hereby revised as follows:

*Section 101.1 Title.* Insert: City of Albion, Nebraska.

*Section 106.2 Exempt work.* Amend to read as follows:

The following work shall be exempt from the requirement for a permit:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets.
3. The replacement of faucets and fixtures and water closets, provided the fixtures are not being relocated.

*Section 106.6.1 Work commencing before permit issuance.* Amend to read as follows:

Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to a fee three times the normal permit fee.

*Section 106.6.2 Fee Schedule.* Insert reference to Master Fee Schedule as established by resolution of the City of Albion, Nebraska.

*Section 106.6.3 Fee refunds.* Amend to read as follows:

The City Code Official, or his or her designees is authorized to establish a refund policy.

*Section 108.4 Violation penalties.* Amend to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or his or her designee, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 108.5 Stop work orders.* Amend to read as follows:

Upon notice from the code official, or his or her designees, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the City Code Official, or his or her designees shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

*Sections 109 Means of Appeal.* Delete this section in its entirety.

*Section 305.4 Freezing.* Amend to read as follows:

Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Water service piping shall be installed at a minimum of 60 inches below finished grade.

*Section 305.4.1 Sewer depth.* Amend to read as follows:

Building sewers that connect to public sewage disposal systems shall be installed to a minimum depth of 48 inches unless otherwise approved by the sewer commissioner or public works coordinator.

*Section 306.3 Backfilling.* Amend to read as follows:

Loose earth free from rocks, broken concrete, frozen chunks and other rubble, shall be placed in the trench in 6-inch layers and tamped in place to existing grade. The backfill under and beside the pipe shall be compacted for pipe support. Backfill shall be brought up evenly on both sides of the pipe so that the pipe remains aligned. In any instance where the manufacturer's installation instructions for materials are more restrictive than those prescribed by code, the material shall be installed in accordance with the more restrictive requirement.

*Section 416.5 Tempered water for public hand-washing facilities.* Amend to read as follows:

Tempered water shall be delivered from public hand-washing facilities.

*Add after Section 503.2:*

*Section 503.3 Water Heater Connections* Water heaters shall have at least twelve inches (12") metal piping from heater when connecting to PEX plastic tubing for hot water distribution.

*Section 603.2 Separation of water service and building sewer.* Amend to read as follows:

Water service pipe and the building sewer shall be separated by 5 feet (1524mm) of undisturbed or compacted earth.

Exceptions:

1. The required separation distance shall not apply where the bottom of the water service pipe within 5 feet (1524mm) of the sewer is a minimum of 18 inches (457mm) above the top of the highest point of the sewer and the pipe materials conform to Table 702.3.
2. Water service pipe is permitted to be located in the same trench with a building drain, provided such building drain is constructed of materials listed in Table 702.2.

Insert the following after Section 603.2.1:

Section 603.3: Tracer Wire: An insulated copper tracer wire shall be installed adjacent to underground non-metallic water service piping. The tracer wire shall not be less than 12-gauge copper wire with insulation suitable for direct burial. The tracer wire shall be attached to the curb box cap and shall terminate at the water meter valve.

*Section 607.1 Where required.* Amend to read as follows:

In residential occupancies, hot water shall be supplied to all plumbing fixtures and equipment utilized for bathing, washing, culinary purposes, cleaning, laundry or building maintenance. In nonresidential occupancies, hot water shall be supplied for culinary purposes, cleaning, laundry or building maintenance purposes. In nonresidential occupancies, hot water or tempered water shall be supplied for bathing and washing purposes.

*Section 607.1.1 Water temperature limiting means.* Delete this section in its entirety.

*Section 608.8 Stop-and-waste valves prohibited.* Amend to read as follows:

Combination stop-and-waste valves or cocks shall not be installed underground. Exception: Yard hydrants and fire hydrants.

*Section 608.16.10 Coffee machines and noncarbonated beverage dispensers.* Delete this section in its entirety.

*Section 608.16.5 Connections to lawn irrigation systems.* Amend to read as follows:

Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

*Section 705.8.2 Solvent cementing.* Amend to read as follows:

Joint surfaces shall be clean and free from moisture. An approved primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B 137.3, CSA B 181.2, or CSA B 182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

*Section 706.3 Installation of fittings.* Delete the exception in this section.

*Section 715.1 Sewage backflow:* Amend to read as follows:

Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures. Plumbing fixtures having flood level rims above the elevation of the manhole cover of the next upstream manhole in the public sewer may not discharge through a backwater valve.

Insert the following after Section 715.5:

Section 715.6 Cleanouts. All cleanouts located upstream from a backwater valve shall have notification that a backwater device is installed in the drainage system. Such notification shall be in the form of a warning label that is readily visible prior to servicing the drainage system. An accessible cleanout shall be installed immediately downstream from the backwater valve.

Section 715.7 Repair or Replacement. Backwater valves shall be installed as required when sewer service lines to existing structures are repaired or replaced.

*Section 904.1 Roof extension.* Insert: 12 inches.

*Section 1111.1 Subsoil drains.* Amend to read as follows:

Subsoil drains shall be open-jointed, horizontally split or perforated pipe conforming to one of the standards listed in Table 1102.5. Such drains shall not be less than 4 inches (102 mm) in diameter. Where the building is subject to backwater, the subsoil drain shall be protected by an accessibly located backwater valve. Subsoil drains shall discharge to a trapped area drain, sump or approved location above ground. The subsoil sump shall be required to have a gas-tight cover. The sump and pumping system shall comply with Section 1113.1.

*Chapter 13, Section 1303.* Delete this section in its entirety.

### **Sec. 8-123. Termination of water service.**

The City Code Official, or his or her designees is hereby vested with the authority to order the disconnection of the water service to any building or premises where such deficiencies in plumbing equipment or materials have not been corrected within the time specified by a notice duly served upon the owner, developer or contractor; and in cases of emergency where the same is necessary for the protection of life or a hazard to public health, safety and welfare; and is further authorized to order the disconnection of the water service to any building or premises where a valid permit has not been issued for plumbing installation or alteration.

### **Sec. 8-124. Appeals.**

Any person who is aggrieved by a decision, notice or order of the City Code Official, or his or her designees made pursuant to this article may appeal such decision to the Board of Adjustment established pursuant to the building code in force in the city. The procedure to such an appeal shall be provided in Appendix B of the building code in force in the city.

### **Secs. 8-125--8-140. Reserved.**



## **DIVISION 2. PERMITS**

### **Sec. 8-141. Plumbing without registration prohibited; exceptions.**

It shall be unlawful for any person to do any plumbing within the zoning jurisdiction of the City of Albion, Nebraska, unless he/she holds a registration in accordance with this article. Registration is not required of employees of the city water department acting within the scope of their employment, nor of a homeowner doing plumbing work in the single family residence he/she owns and occupies or is constructing to own and occupy as his/her residence.

### **Sec. 8-142. Permit for business; Provisions; Information Required.**

Pursuant to provisions of Article II of Chapter 6 of the Albion City Code, any person, partnership, corporation or other legal entity who performs any work on any consumer plumbing, water service, or sanitary sewer service within the zoning jurisdiction of the City of Albion shall be a duly qualified plumbing contractor with a registration issued by the City of Albion. Every plumber shall conform to the provisions of Article II of Chapter 6 of the Albion City Code pertaining to Licensed Plumbers and shall notify the code official or building inspector of the address of his/her place of business, and the name under which such business operates, and shall give immediate notice of any change in either.

### **Secs. 8-143—8-150. Reserved.**

### **Sec. 8-151. Yard irrigation liability.**

The property owner accepts all liability for placement of any yard irrigation equipment within the right-of-ways, easements, alleys or any other property owned or maintained by the City of Albion, which may be subject to damage due to street or utility maintenance of any nature.

### **Secs. 8-152--8-160. Reserved.**

## ARTICLE VII. ONE- AND TWO-FAMILY DWELLING CODE

### **Sec. 8-161. Adoption by reference.**

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Albion, Nebraska, being marked and designated as International Residential Code, 2012 Edition as published by International Code Council, Inc., is hereby adopted as the one- and two-family dwelling code of the City of Albion, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 8-162 of this article.

### **Sec. 8-162. Additions, insertions and changes.**

The following sections of the one- and two-family dwelling code adopted in section 8-161 are hereby revised as follows:

*Section R101.1:* Insert "City of Albion"

*Section (A) 103.1* Creation of enforcement agency. Amend to read as follows:

The Department of Building Code and Inspection is hereby created and the official in charge thereof shall be known as the City Code Official. The terms City Administrator and code official shall be interchangeable as they relate to this code. The terms building inspector and deputy code official shall be interchangeable as they relate to this code.

*Section R105.2* Work exempt from permit. Amend to read as follows:

Permits shall not be required for the following. 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.

1. Retaining walls that are not over 4 feet in height measured from the top of finished grade to top of wall.
2. A plan stamped by a design professional shall not be required for pole/post and beam buildings of 2400 square feet or less in R-1, R-2, R-3, and TA zoning districts.
3. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Prefabricated above ground swimming pools.
6. Swings and other playground equipment accessory to a one- or two-family dwelling.
7. Window awnings supported by an exterior wall.
8. Replacement of existing windows with like size windows where no structural alteration is required to affect said change. Window opening size shall not be substantially diminished by replacement and in no instance shall a casement or slider style window be replaced with a double-hung window style, unless minimum egress standard is met.
9. Permits shall not be required for re-roofing or re-siding any existing structure.
10. The code official or his or her designees may waive the building permit requirement for building permit when structure is temporary in nature or less than one hundred eighty (180) square feet in floor area and has no foundation.

*Section R106.3.1.* Approval of construction documents. Delete this section.

*Section R108.2* Schedule of permit fees. See Building Permit Fee schedule as established by resolution of the Albion City Council.

*Section 110.2* Change in use. Delete this section.

*Section 110.3* Certificate Issued. Amend to read as follows:

After the code official or one of his or her designees inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Department of Building Code and Inspection, the code official or one of his or her designees may issue a certificate of occupancy.

*Section R112.1* General. Amend to read as follows:

Any person who is aggrieved by a decision, notice or order of the City Code Official, or his or her designees made pursuant to this article may appeal such decision, notice or order to the Board of Adjustment established pursuant to the current building code Appendix B in force and effect in the jurisdiction of the City of Albion, Nebraska. The procedure for said appeal shall be as published in said building code then currently in force and effect.

*Section R113.4* Violation penalties. Amend to read as follows:

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of an offense and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or allowed, and upon conviction of any such violation, such person shall be punishable by a fine of not more than five hundred dollars (\$500.00).

*Section R114.1* Notice to owner. Amend to read as follows:

Upon notice from the City Code Official, or his or her designees that work on any building or structure is being done contrary to the provisions of this code, such work shall immediately be stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person performing the work; and shall state the conditions under which work will be permitted to resume.

*Section R202* Definitions. Add definitions of "Crawl Space", "Sleeping Room" and "Building Envelope" as follows:

**CRAWL SPACE.** An underfloor space that is not a basement. A crawl space shall have a minimum height of 30" from bottom of floor joists to top of concrete floor. Floor shall not be less than 3" thick. Supply and return from HVAC system shall be provided in each crawl space area.

**SLEEPING ROOM.** Any room in a house that is greater than 70 square feet and has built-in closet space and typically could be used as a bedroom. This does not include rooms used for cooking, eating, family living, gathering, bathrooms, toilet rooms and halls.

**BUILDING ENVELOPE.** Building sections which separate inside, conditioned spaces from outside air.

*Table R301.2(1):* Insert the following design criteria information.

Roof Snow Load:	30 lbs. per square foot
Ground Snow Load:	25 lbs. per square foot
Wind Speed:	90 mph
Seismic Design Category:	B
Subject to Damage from Weathering:	Severe
Subject to Damage from Frost Line Depth:	42 inches
Subject to Damage from Termite:	Moderate to Heavy
Subject to Damage from Decay:	None to Slight
Winter Design Temp:	4 Degrees
Flood Hazards:	Not Available

*Section R302.5.1* Amend. Delete "equipped with a self-closing device."

*Section R303.7* Stairway illumination. Amend to read as follows:

All interior and exterior stairways, serving as a means of egress, shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. Exterior stairways shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway.

*Section R305.1* Minimum ceiling height. Amend to read as follows:

*Habitable spaces*, hallways, corridors, bathrooms, toilet rooms, and laundry room areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. For rooms with sloped ceilings, at least 50 percent of the required floor area of the room must have a ceiling height of at least 7 feet (2134 mm) and no portion of the required floor area may have a ceiling height of less than 5 feet (1524 mm).
2. Bathrooms shall have a minimum ceiling height of 6 feet 8 inches (2032 mm) at the center of the front clearance area for fixtures as shown in Figure R307.1. The ceiling height above fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (2032 mm) above a minimum area 30 inches (762 mm) by 30 inches (762 mm) at the showerhead.

*R305.1.1* Basements. Amend to read as follows:

Residential one- and two-family *basements* built prior to January 1, 2021, which contain *habitable or non-habitable spaces*, hallways, corridors, bathrooms, toilet rooms, and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Residential basements built on or after January 1, 2021, with areas shown above in this section, shall have a ceiling height of not less than 7 feet (2134 mm).

Exception: Beams, girders, ducts, or other obstructions may project to within 6 feet 4 inches (1931 mm) of the finished floor.

*Section R309.5* Fire Sprinklers. Delete this text. Add "Garages located less than 10 feet from a dwelling unit on the same lot shall be protected with not less than 5/8" gypsum board applied to the interior and exterior walls.

*Section R402.2* Concrete. Add the following sentence:

Garage floors and driveways or unreinforced concrete shall be a minimum of 5" thick. Reinforced concrete shall be a minimum of 4" thick.

*Section R403.1.4.1* Frost Protection. Amend exceptions to read as follows:

Exception:

1. Accessory buildings less than one hundred eighty (180) square feet shall not be required to be constructed with footings which extend below frost line. Concrete for slab on grade shall be a minimum of four (4) inches thick and a grid work of number 4 rebar four (4) foot on center.

*Section R502.3* Allowable joist spans. Amend to read as follows:

Spans for floor joists shall be in accordance with Table R502.3.1(2). For other grades and species and for other loading conditions, refer to the AF & PA Span Tables for Joists and Rafters.

*Section R502.3.1* Sleeping areas and attic joists. Delete this section.

*Table R502.3.1(1)* Floor Joist Spans For Common Lumber Species. Delete this table.

*Section R502.3.2* Other floor joists. Amend to read as follows:

*Table R502.3.1(2)* shall be utilized to determine the maximum allowable span of floor joists that support all areas of the building, provided that the design live load does not exceed 40 psf and the design dead load does not exceed 10 psf.

*Section R506.2.3* Vapor retarder. Delete this section.

*Section R907.3* Roof recover not allowed. Add:

4. Architectural laminated asphalt shingles shall not be covered by an additional layer of asphalt shingles.

*Chapter 11:* Remove this chapter from the one- and two- family dwelling code, however retain the language therefrom and adopt it as Appendix R with the following notation:

“[This appendix is informative and is not part of the code and words or phrases that indicate mandatory action (i.e. “shall”) in this Appendix R shall be read and construed as words or phrases that indicate recommended action (i.e. “should”).”

*Section M1305.1* Appliance access for inspection service, repair and replacement. Amend. Add after last sentence: "Mechanical rooms containing two or more appliances shall not be less than 40 square feet in area nor less than 4 feet in width or depth.

*Section M1502.4.1* Add after ... (No. 28 gauge): "or material as approved by code official or his or her designees".

*Section M1502.4.4.1* After last sentence add: "Dryer vent length shall not exceed rated length of dryer manufacturer".

*Section P2603.5.1* Sewer depth. Amend to read: Building sewers that connect to private sewage disposal systems shall be a depth not less than 48 inches below finished grade at the point of septic tank connection. Building sewers shall be not less than 48 inches below grade.

Adopt Appendix F - Radon Control Methods.

*Section AF103.1* General. Amend. Add after last sentence: "Alternative system designs may be installed when approved by the code official or building inspector".

Adopt Appendix G – Swimming Pools, Spas, and Hot Tubs.

Delete AF103.3 Soil-gas-retarder.

Delete AF103.5.2 Soil-gas-retarder.

## **Sec. 8-163. Finished Walls.**

1. Sheetrock/paneling shall not be installed over existing wall/ceiling surfaces unless approved by the code official or building inspector.
2. Uninhabitable basements shall not have non-structural partition walls. Basements without code compliant stairways, minimum ceiling heights and at least one egress window shall be considered to be uninhabitable.

## **Secs. 8-164--8-170. Reserved.**

## ARTICLE VIII. ENERGY CONSERVATION

### **Sec. 8-171. Adoption by reference.**

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Albion, Nebraska, being marked and designated as the "2018 International Energy Conservation Code" as published by The International Code Council, Inc. is hereby adopted as the Energy Conservation Code of the City of Albion, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 8-172 of this article.

### **Sec. 8-172. Additions, insertions and changes.**

The following sections of the energy conservation code adopted in Section 8-171 are hereby revised as follows:

*Section C109.1* General. Amend to read as follows:

Any person who is aggrieved by a decision, notice or order of the City Code Official, or his or her designees made pursuant to this article may appeal such decision, notice or order to the Board of Adjustment established pursuant to the current building code Appendix B in force and effect in the jurisdiction of the City of Albion, Nebraska. The procedure for said appeal shall be as published in said building code then currently in force and effect.

*Sections C109.2 and C109.3* Delete these sections in their entirety.

*Section C402.2.2* Above grade walls. Add after first paragraph, "Exterior wall cavities of conditioned spaces shall be filled to a minimum of 98% capacity with insulation."

IECC--Residential Provisions. Delete this section in its entirety.

### **Sec. 8-173. Energy conservation standards.**

Minimum requirements are as follows:

- (a) Ceiling: R-60 insulation.
- (b) Frame walls: R-20 (combined R-value of wall elements).
  - (1) Exterior wall cavities of conditioned spaces shall be filled to a minimum of 98% capacity with insulation.
- (c) Slab edge (on-grade): R-10 insulation, from top of slab to 42" below finished grade.
- (d) Floors (over unheated spaces): R-38 insulation.
- (e) Finished basement walls: R-18 (Combined R-value of wall elements).
- (f) Crawl spaces: R-10 insulation. Shall be a conditioned space. Floor shall be covered with not less than three (3) inches of concrete.

- (g) Windows: Minimum of double-glazed and maximum U-factor of .30.
- (h) Doors:
  - (1) Sliding glass: Double-glazed, maximum U-value of .30.
  - (2) Swinging: Maximum U-value of .35 based on testing prior to installation of glazing.
- (i) Weatherstripping/caulking: Whatever is necessary to minimize infiltration.
- (j) HVAC equipment.
  - (1) Heat pumps – Heating mode:
    - a. COP=2.5/1.5 (air source).
    - b. COP=2.5 (water source).
  - (2) Boilers and furnaces: Combustion efficiency equals eighty-two (82) percent.
  - (3) Air Conditioners/heat pumps – Cooling: SEER minimum rating 15.0.
  - (4) Controls: Each system controlled by thermostat; heating system capable of setback to fifty-five (55) Fahrenheit; cooling system capable of setup to eighty-five (85) Fahrenheit.
  - (5) All duct work shall be located within the conditioned envelope of the dwelling. Duct work within an attic shall be considered to be in a conditioned space when:
    - a) Immediately adjacent to conditioned living space, and
    - b) Remaining surfaces are covered by not less than R-60 insulation. Joints in duct work shall be sealed as required by HVAC equipment manufacturer.
- (k) Insulate exterior of foundation of slab-on-grade heated structures or provide a thermal break between floor and exterior foundation.
- (l) When proposed rehabilitation of a structure exceeds 50% of current market value, the structure shall meet or exceed all energy code requirements adopted by the city.
- (m) Radon venting shall not be located within walls that are required to be insulated unless minimum R-values can be achieved.
- (n) A minimum R-value of R-44 shall be maintained above all exterior wall plates of conditioned spaces.

Deviations from above requirements require approval of the code official or one of his or her designees.

## **Secs. 8-174--8-180. Reserved.**



## ARTICLE IX. PROPERTY MAINTENANCE CODE

### **Sec. 8-181. Adoption by reference.**

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Albion, Nebraska, being marked and designated as the "International Property Maintenance Code 2012 Edition," as published by The International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the City of Albion, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 8-183 of this article.

### **Sec. 8-182. Conflicts.**

In the event of a conflict between the provisions of the publication adopted by reference in this article and any other provisions of this Code, such other provisions shall be controlling.

### **Sec. 8-183. Additions, insertions and changes.**

The following sections of the property maintenance code adopted in section 8-181 are hereby revised as follows:

*Section 101.1 Title.* Insert: the City of Albion, Nebraska.

*Section 103.5 Fees.* Amend section to read as follows:

"The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be charged as provided by resolution of the City Council of the City of Albion, Nebraska and deemed necessary to reasonably recover costs."

*Section 110.1 General.* Amend section to read as follows:

"The Code Official or his or her designee shall recommend that the Board of Health make an official order to the owner of any structure or the owner of the premises upon which any structure is located that has been condemned by the building inspector pursuant to this code, or in the building inspector's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the structure owner's or property owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal."

*Section 110.3 Failure to comply.* Amend section to read as follows:

If the owner of a premises fails to comply with a demolition order within the time prescribed by the Board of Health, the Code Official or his or her designee may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

*Section 111.1 Application for appeal.* Amend section to read as follows:

"Any person directly affected by a decision of the City Code Official, or his or her designees or a notice or order issued under this code shall have the right to appeal to the Board of Adjustment, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. A fee set forth by resolution of the City of Albion, Nebraska shall accompany each application for appeal to the Board of Adjustment which fee shall be refunded to the applicant in the event the Board of Adjustment finds in favor of the applicant. The applicant shall also pay all publication costs necessitated by the filing of said application as well as all costs associated with arranging for the presence of a court reporter at the hearing and the costs for creating a transcript of the hearing. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship."

*Section 111.3 Notice of meeting.* Amend section to read as follows:

"The board shall meet upon notice from the chairman, within 60 days of the filing of an appeal, or at regularly scheduled meetings."

*Section 112.4 Failure to comply.* Amend section to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500) per day, per violation.

*Section 302.4 Weeds.* Insert: twelve (12) inches.

*Section 304.14 Insect Screens.* Insert: April 1 to November 1.

*Section 404.3 Minimum ceiling height.* Amend section to read as follows:

*Habitable spaces*, hallways, corridors, *bathrooms*, *toilet rooms*, and laundry room areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study, or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study, or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

*R404.3.1 Basements.* Amend section to read as follows:

Residential one- and two-family *basements* built prior to January 1, 2000, which contain *habitable or non-habitable spaces*, hallways, corridors, bathrooms, toilet rooms, and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Residential basements built on or after January 1, 2000, with areas shown above in this section, shall have a ceiling height of not less than 7 feet (2134 mm).

Exception: Beams, girders, ducts, or other obstructions may project to within 6 feet 4 inches (1931 mm) of the finished floor.

*Section 602.3 Heat supply.* Amend section to read as follows:

“Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 F. (20 C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.”

*Section 602.4 Occupiable work spaces.* Amend section to read as follows:

“Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 F. (18 C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.”

#### **Sec. 8-184. Structures damaged by fire, flood, wind, disaster or other calamity.**

Any structure becoming uninhabitable, unusable or unoccupiable as a result of fire, flood, wind, disaster or other calamity shall be inspected by the building inspector, code official, or their designees and shall be completely repaired within one (1) year of the fire, flood, wind, disaster or other calamity. If repairs are not completed within one (1) year, the structure shall be re-inspected by the code official or building inspector. If following the subsequent inspection, the structure is determined to be uninhabitable, unusable or unoccupiable by the City Code Official or his or her designees, the structure shall be condemned by the building inspector pursuant to this code and the building inspector shall make a recommendation to the Board of Health to make an official order to the owner of any structure or the owner of the premises to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary within a specified time period, or to demolish and remove at the structure owner's or property owner's option. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal.

If the owner of a premises fails to comply with such demolition or repair order within the time prescribed by the Board of Health, the Code Official or his or her designee may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate

#### **Secs. 8-185—8-190. Reserved.**

## ARTICLE X. MOVING BUILDINGS

### **Sec. 8-191. 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.

### **Sec. 8-192. 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 Code Official or one of his or her designees.

### **Sec. 8-193. Exceptions.**

A structure with less than the following dimensions shall not require a permit to be moved: 12 feet wide, 24 feet long, 15 feet high.

### **Sec. 8-194. Application.**

Any person seeking issuance of a permit hereunder shall file an application for such permit with the City Code Official or his or her designees.

A. Form. The application shall be made in writing, upon forms provided by the City Code Official, or his or her designees, and shall be filed in the office of the City Code Official or his or her designees.

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 which the City Code Official, or his or her designees, shall find necessary for 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 or property damage which 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 an amount as set by resolution of the City Council of the City of Albion, Nebraska which shall be paid over by the City Clerk to the City Treasurer, who shall credit it to the general fund.

### **Sec. 8-195. Interference.**

Whenever it shall be necessary for any permittee in moving a building to interfere with any electric, telecommunication 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 hour 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 City Code Official or his or her designee. 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 housemover.

## **Sec. 8-196. 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 Code Official or his or her designee in writing of a desired change in moving date and hours as proposed in the application.
- C. Notify of Damage. Notify the City Code Official or his or her designee 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.

## **Sec. 8-197. 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.

## **Secs. 8-198—8-200. Reserved.**

## ARTICLE XI. PENAL PROVISION

### **Sec. 8-201. 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 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.