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CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Inspector

SECTION 9-101: POWERS AND AUTHORITY

The building inspector shall be the village official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He may be removed at any time for good and sufficient cause by the Village Board. In the event that the board fails to appoint a building inspector, the utilities superintendent shall be the building inspector ex officio. The duties of the building inspector shall be as follows:

A. He shall inspect all buildings repaired, altered, built or moved in the village as often as necessary to insure compliance with all village ordinances and is authorized, upon properly identifying himself, to enter, inspect, survey and investigate between the hours of 8:00 a.m. and 5:00 p.m. or at any time if an emergency exists or if requested by the owner or occupant thereof. He shall also investigate all complaints, whether verbal, written or in the form of a petition, alleging and charging that a violation of the municipal ordinances exists and that a building or structure is unfit or unsafe for human habitation.

B. He shall, at the direction of the Village Board, issue permission to continue any construction, alteration or relocation when the board 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 the chairman or designated agent.

C. He shall have no financial interest in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, except where he is the owner of a building, and he shall not act as an agent for any said dealer or as an agent for the sale, lease or rental of any real estate.

D. He shall keep records of all complaints received, inspection reports, orders, and complaints issued. The records shall be available for public inspection and he shall prepare an annual report based on the records kept. He shall report to the Village Board as often as may be deemed necessary.

E. He shall have such other duties and issue such permits as the board may direct.

SECTION 9-102: 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 9-103: PERMIT CARD

Upon the issuance of a building permit, the building inspector shall furnish to the applicant a permit card which shall be a distinctive color and shall contain the nature of the work, the location of the building, the number of the permit and the date of issuance. The said card shall be prominently displayed on the principal frontage of the building site close to or upon the building or structure and shall so remain until the final inspection has been made.

SECTION 9-104: TIME OF INSPECTION

A. The building inspector, upon notification from the permit holder or his 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 agent that the work fails to comply with the requirements of the municipal code:

1. Foundation inspection shall be made after trenches are excavated and the necessary forms erected;
2. 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
3. Final inspection shall be made after the building is completed and ready for occupancy.

B. 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 9-105: BARRICADES AND LIGHTS

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

SECTION 9-106: APPEAL FROM DECISION

A. In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the building inspector, that the time allowed for compliance with any order of the building inspector is too short or that conditions peculiar to a building make it unreasonably difficult to meet the requirements prescribed by this

chapter and by the building inspector, the owner, his agent or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made.

B. Applications for review shall be in writing and shall state the reasons why the variance should be made. The Village Board shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the building inspector. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this code to achieve that end. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. A copy of any variance so granted shall be sent to both the building inspector and the applicant.

Article 2 – Building Permits

SECTION 9-201: APPLICATION

Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish or relocate any building or dwelling or cause the same to be done shall file with the village clerk an application for a building permit. The application shall be in writing on a form to be furnished by the village clerk. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor and such other information as may be requested thereon. The application, plans and specifications so filed with the village clerk shall be checked and examined by the Village Board and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the board shall authorize the village clerk to issue the said applicant a permit. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern. (Neb. Rev. Stat. §17-550, 17-1001)

SECTION 9-202: LIMITATION

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

SECTION 9-203: DUPLICATE TO COUNTY ASSESSOR

Whenever a building permit is issued for the erection, alteration or repair of any building within the village's jurisdiction and the improvement is \$2,500.00 or more, a duplicate of such permit shall be filed with the county assessor. (Neb. Rev. Stat. §18-1743)

Article 3 – Building Moving

SECTION 9-301: REGULATIONS

A. It shall be unlawful for any person, firm, or corporation to move any building or structure within the village without a written permit to do so. Application may be made to the village clerk and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used and such other information as the Village Board may require. The application shall be accompanied by a certificate issued by the county treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The village clerk shall refer the said application to the Village Board for approval of the proposed route over which the said building is to be moved. Upon said approval, the clerk shall then issue the said permit; provided, a good and sufficient corporate surety bond, check, or cash in an amount set by the board and conditioned upon moving said building without doing damage to any private or village property is filed with the clerk prior to the granting of any permit.

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

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

D. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the village, notice in writing of the time and route of the said building moving operation shall be given to the utilities superintendent, who shall proceed on behalf of the village and at the expense of the mover to make such disconnections and do such work as is necessary.

(Neb. Rev. Stat. §60-6,288 to 60-6,294, 60-6,296)

SECTION 9-302: COMPLETION OF MOVE

At such time as the building moving has been completed, the building inspector shall inspect the premises and report to the village clerk as to the extent of damages, if any, resulting from the said relocation and whether any village laws have been violated during the said operation. Upon a satisfactory report from the village police, the clerk shall return the corporate surety bond, cash, or check deposited by the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered or in a clean and sanitary condition, the Village Board may apply the money

deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit, the board may recover such excess expense by civil suit or otherwise as prescribed by law.

Article 4 – Codes Adopted

SECTION 9-401: BUILDING CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the 2009 edition of the International Building Code (IBC), published by the International Code Council, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the International Building Code shall be on file at the office of the village clerk, available for public inspection during office hours. The provisions of the International Building Code shall be controlling throughout the village and throughout its zoning jurisdiction.

SECTION 9-402: PLUMBING CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection and uses of materials in the installation of plumbing and heating, the 2012 edition of the National Plumbing Code is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. One copy of the National Plumbing Code shall be on file at the office of the village clerk, available for public inspection during office hours. The provisions of the Plumbing Code shall be controlling throughout the village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922)

SECTION 9-403: ELECTRICAL CODE; ADOPTED BY REFERENCE

The 2014 edition of the National Electrical Code, as recommended by the National Fire Protection Association, is hereby adopted and incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. One copy of the current electrical code shall be on file at the office of the village clerk, available for public inspection during office hours. The provisions of the electrical code shall be controlling throughout the village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §18-132)

Article 5 – Geothermal Heating Units

SECTION 9-501: INSTALLATION; APPLICATION AND PERMIT

A. Any party desiring to install a geothermal heat pump within the village shall make application for a permit to do so. Such application shall state in detail the location of the geothermal field, the description of all equipment to be used and the method of discharge of water or other effluent from the system.

B. Such application shall be submitted to the village clerk before work commences and shall be submitted to the Village Board for approval or rejection at the next regular meeting or a special meeting called for such purpose. The applicant will be given at least 24 hours' advance notice of such hearing by the board and shall be given an opportunity to explain and present additional oral or written evidence in support of the application. The Village Board may (1) approve such application as presented; (2) approve such application subject to modifications as determined by the board; or (3) disapprove such application and stating its reasons for such disapproval. If a hearing is requested, it may be transcribed at the request of the board or the applicant. The party requesting the transcript shall be responsible for the cost thereof and both parties shall have the right to a copy of such transcript. If the application is denied by the Village Board, the applicant may appeal such denial to the District Court but such appeal must be filed within 30 days of the denial.

C. Private water wells shall not be permitted to fill and operate such system. All connections to the village water system shall be under the control and supervision of village personnel.

D. In the operation of the geothermal system, no water or other effluent shall be discharged into the village sanitary sewer system or village storm sewer system.

E. The installation or operation of a geothermal heating and cooling system within the village without a permit is prohibited. Any party doing so shall be guilty of an infraction and fined in a sum not to exceed \$500.00. Each day's operation shall be a separate offense. In addition to the fine, the village may disconnect any municipal utilities to the property on which the geothermal system is being operated and such utilities shall not be reconnected until operation of the system is terminated.

(Ord. No. 01.14.11, 1/14/11)

Article 6 – Flood Management

SECTION 9-601: PURPOSE

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize those losses of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base which result from the inundation of flood hazard areas by applying the provisions of this section to:

A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.

B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

SECTION 9-602: DEFINITIONS

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

“Actuarial rates or risk premium rates” means those rates established by the administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 USC 4014 and the accepted actuarial principles. “Actuarial rates” include provisions for operating costs and allowances.

“Administrator” means the person designated by the village to administer this article.

“Board of Adjustment” means the County Board of Adjustment, as permitted pursuant to Neb. Rev. Stat. §19-912.01.

“Channel” means natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.

“Channel flow” means that water which is flowing within the limits of a defined channel.

“Development” means 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” means temporary rise in streams flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel; an unusual and rapid accumulation of runoff or surface waters from any source.

“Flood elevation determinations” means determination of the water surface elevations of the 100-year flood – that is, the level of flooding that has a 1% chance of occurrence in any given year.

“Flood insurance rate map” or “FIRM” means an official map of a community on which the flood insurance study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

“Flood insurance study” or “FIS” means the official report provided by the Federal Insurance Administration. The report contains flood profiles as well as the flood boundary-floodway map and the water surface elevation of the base flood.

“Flood plain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works and flood plain management regulations.

“Flood protection system” means those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard. Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

“Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

“Floodway” means the channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

“Floodway fringe” means that area of the flood plain, outside of the floodway that on the average is likely to be flooded once every 100 years – that is, having a 1% chance of flood occurrence in any one year.

“Habitable floor” means any floor used for living, which includes working, sleeping, eating, cooking, or recreation or a combination thereof. A floor used only for storage purposes is not a “habitable floor”.

“Mobile home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

“Mobile home park (subdivision)” means a parcel or contiguous parcels of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.

“New construction” means those structures where new construction or substantial improvement is begun after December 31, 1974, or the effective date of the FIRM, whichever is later.

“100-year flood” means the base flood having a 1% chance of annual occurrence.

“Overlay district” means a district which acts in conjunction with the underlay zoning district or districts.

“Regulatory flood elevation” means elevation indicated on the FIRM as the elevation of the 100-year flood.

“Regulatory flood protection elevation” means an elevation one foot higher than the water surface elevation of the regulatory flood.

“Risk premium rates” see “actuarial rates.”

“Structure” means a walled and roofed structure, including a gas or liquid storage tank, that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes, and other similar uses.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement is started or, 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 dimension of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.

SECTION 9-603: ESTABLISHMENT OF ZONING DISTRICTS

A. The mapped flood plain areas within the jurisdiction of this section are hereby divided into two following districts:

1. A floodway overlay district (FW); and
2. A floodway fringe overlay district (FF) identified in the flood insurance study flood boundary and floodway map(s).

B. Within these districts all uses not meeting the standards of this section and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM and identified in the flood insurance study provided by the Federal Insurance Administration.

SECTION 9-604: STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT

A. No permit for development shall be granted for new constructions, substantial improvements, and other improvements, including the placement of mobile homes within all numbered and unnumbered A Zones unless the conditions of this section are satisfied.

B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this article. If flood insurance study data is not available, the community shall utilize any base flood elevation data currently available within its area of jurisdiction.

C. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of mobile homes, and other developments shall require that:

1. Design or anchorage to prevent flotation, collapse, or lateral movement due to flooding.
2. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
3. New development and substantial improvements to (a) use construction materials and utility equipment that are resistant to flood damage; and (b) use construction methods and practices that will minimize flood

damage, consistent with economic practicability.

4. All utility and sanitary facilities be elevated or flood-proofed up to the regulatory flood protection elevation.
5. Until a floodway has been designated, no development, including landfill, may be permitted within Zone A1-30 on the FIRM of the village unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one foot on the average cross section of the reach in which the development or landfill is located as shown on the flood insurance rate study incorporated by reference;
6. Storage of material and equipment.
 - a. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
7. Subdivision proposals and other proposed new development be required to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. Proposals for development of five acres or 50 lots, whichever is lesser, include within such proposals the regulatory flood elevation.

SECTION 9-605: PERMITTED USES

No use shall be permitted in the district unless the standards of Section 9-604 are met.

SECTION 9-606: STANDARDS FOR THE FLOODWAY FRINGE OVERLAY DISTRICT

A. New construction or substantial improvements of residential structures are required to have the lowest floor, including basement, elevated to or above the regulatory flood elevation.

B. New construction or substantial improvements of non-residential structures are required to have the lowest floor, including basement, elevated to or above the regulatory flood elevation or, together with attendant utility and sanitary facilities, to be flood-proofed up to that level. Within Zone AO, all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the official FIRM.

C. Non-residential structures within Zones AO, together with attendant utility and sanitary facilities, may be flood-proofed to or above the depth number specified on the official FIRM.

D. For new mobile home parks, mobile home subdivisions, or expansions of the same, and for new mobile homes not in a mobile home park and for existing mobile home parks where the repair, reconstruction, or improvement of streets, utilities, and pads equals or exceeds 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, it is required that:

1. Specific anchoring standards be met:
 - a. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile 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 mobile homes less than 50 feet long requiring four additional ties per side.
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - d. Any additions to mobile homes be similarly anchored.
2. Stands or lots are elevated on compacted fill or piers so that the lowest floor of the structure will be at or above the regulatory flood elevation.
3. Adequate surface drainage and easy access for a hauler is provided.

4. In the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than 10 feet apart, and steel reinforcement is provided for piers more than 6 feet high.

SECTION 9-607: VARIANCES

A. Where by reason of exceptional narrowness, shallowness, shape of topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this article would result in peculiar and exceptional hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the Board of Adjustment may authorize a variance from strict application so as to relieve the demonstrable difficulties or hardships, provided, that such a variance may only be granted if:

1. The structure is to be erected on a lot of one-half acre or less in size and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation.
2. The structure is listed on the National Register of Historic Places or the State Inventory of Historic Places to be restored or reconstructed.

B. Variances shall not be issued except upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the variance issuance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local or state laws or ordinances.

B. Variances may only be issued upon a determination that the applicant requesting a variance shall meet the minimum necessary standards of this article to afford relief.

SECTION 9-608: NON-CONFORMING USE

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this article but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

1. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformi-

ty.

2. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this article. The duly authorized water and sewer official shall notify the administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this article. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION 9-609: AMENDMENTS

A. The regulations, restrictions, and boundaries set forth in this article may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the village.

B. The regulations of this article are in compliance with the national flood insurance program regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976.

SECTION 9-610: ADMINISTRATOR

The Board of Health is hereby designated as the administrator of this article.

SECTION 9-611: PROCEDURE

A. No person, firm, or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development for each such building or structure.

B. To obtain a permit, the applicant shall first file an application 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.
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 of 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 authorized agent, who may be required to submit evidence to indicate such authority.
6. Give such other information as reasonably may be required by the administrator.

C. Where a request for a permit to develop or a variance is denied by the administrator, the applicant may apply for such permit or variance directly to the Board of Adjustment.

D. The Board of Adjustment may grant or deny such request by appropriate resolution adopted within 60 days after the date of such application to the board.

SECTION 9-612: ADMINISTRATION

A. The administrator shall administer and implement the provisions of this article. Duties of the administrator shall include but not be limited to:

1. Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this article have been satisfied.
2. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
3. Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse and shall submit evidence of such notification to the Federal Insurance Administration.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Verify and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures.
6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.

B. When flood-proofing is utilized for a particular structure, the administrator shall be presented certification from an architect or professional engineer.

SECTION 9-613: INTERPRETIVE AND MISCELLANEOUS PROVISIONS

A. The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, for example where there appears to be a conflict between a mapped boundary and actual field conditions, the administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case to the board and to submit his or her own technical evidence.

B. No development located within known flood hazard areas of this village shall be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

C. It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail. All other sections inconsistent with this article are hereby repealed to the extent of the inconsistency only.

D. In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the Village Board and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

E. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This section shall not create liability on the part of

the village or any officer or employee thereof for any flood damages that may result from reliance on this article or any administrative decision lawfully made thereunder.

F. If any section, clause, provision, or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby.

SECTION 9-614: FLOOD PLAIN DISTRICT; JURISDICTION

A. This article shall apply to all lands within the jurisdiction of the village, identified on the flood insurance rate map (FIRM) as numbered and unnumbered A Zones and within the zoning districts FW and FF established in Section 9-603.

B. In all areas covered by this article, no development shall be permitted except upon a permit to develop granted by the Village Board or its duly designated representative under such safeguards and restriction as the board or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the village and where specifically noted in Sections 9-604 through 9-607.

SECTION 9-615: PROHIBITED PLATS, SUBDIVISIONS, AND LAND TRANSFERS

Any person, whether as owner, proprietor, or as the agent, attorney, or representative of any owner or proprietor of land who shall plat or subdivide any tract of land within the corporate limits of the village, or adjoining and contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract, or agree to sell, transfer, or offer for sale any lot, or piece of ground in any addition or subdivision of three or more parts within said corporate limits or adjoining and contiguous thereto, without having first obtained the acceptance and approval of the plat or map thereof by the Village Board, and any person who shall violate, or who shall fail, neglect, or refuse to comply with any of the provisions hereinbefore, as now existing or as hereafter amended, shall, upon conviction, be fined in any sum not exceeding \$500.

Article 7 – Penal Provisions

SECTION 9-701: VIOLATION: PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this article, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

SECTION 9-702: ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in this article, the village may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Neb. Rev. Stat. §18-1720, 18-1722)