

BUILDING REGULATIONS

CHAPTER 9

BUILDING REGULATIONS

ARTICLE 1. BUILDING CODE AND BUILDING OFFICIAL.

§9-101 BUILDING CODE; ADOPTED BY REFERENCE.

Section 1. 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 latest current edition, as amended, of the International Building Code (IBC) 2003 Edition as published by the International Code Council and printed in book or pamphlet form, 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 is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the International Building Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction.

Section 2. The following sections of the IBC are hereby revised:

Section 101.1. Insert: Municipality of Eagle, Nebraska

Section 1612.3: Insert: Municipality of Eagle, Nebraska

Section 1612.3: Insert: the most currently dated and issued map applicable under this section.

Section 3410.2: Insert: Date this ordinance is adopted: **November 17, 2008.**

Section 3. Where provisions of the International Building Code conflict with the provisions or other portions of this chapter or with other the provisions Municipal Ordinances , the most restrictive or stringent provisions shall govern. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. All prior ordinances in conflict herewith shall be and are hereby repealed.

Section 5. One (1) copy of the IBC is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the IBC shall be controlling throughout the Municipality and throughout its zoning jurisdiction.

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§9-102 BUILDING CODE BOARD OF APPEALS.

IBC (2003) section 112 shall be substituted and amended as follows:

Section 112 – BOARD OF APPEALS

112.1 Creation. The Governing Board has the authority to create a board of appeals consisting of five members that shall be known as the Building Code Board of Appeals. **In the event no Board of Appeals is appointed, the Governing Board shall serve as the Board of Appeals. If the Governing Body does appoint a Board, then** Membership on the Building Code Board of Appeals shall consist of the following:

- (1) The Building Official (ex officio member);
- (2) A general building contractor;
- (3) A plumbing contractor;
- (4) A member of the Eagle Volunteer Fire Department;
- (5) One other person qualified to sit on this board by way of experience with building construction, contracting, real estate or fire safety.

All members of the Board, except the Building Official, shall be appointed by the Municipal Governing Board. Two members of the initial board shall be appointed for terms of one year, one member for a term of two years, and one member for a term of three years. Thereafter, all members, except the Building Official, shall be appointed for terms of three years each. Vacancies on the board shall be filled by appointment for the unexpired term only. The Building Official shall be the permanent secretary of the board and shall keep a record of all meetings.

112.2 Authority and Duties. The Building Code Board of Appeals shall hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code or the suitability of alternate materials and methods of installation. The Board of Appeals shall have no authority relative to the interpretation of the administrative provisions of this code.

The Board of Appeals may grant variances for alterations or repairs of an existing building or structure after finding that:

- (1) There are practical difficulties involved in carrying out the provisions of this code.
- (2) The requested variance is in conformance with the intent and purpose of this code; and
- (3) The variance does not substantially lessen any fire-protection requirements or any degree of structural integrity.

The Board of Appeals shall make recommendations to the Governing Body upon request of the Governing Body. The Board of Appeals shall adopt reasonable

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rules and regulations for conducting its investigations and shall render all decisions and recommendations in writing to the Governing Body.

112.3 Meetings. The Building Code Board of Appeals shall meet at the call of the Building Official or upon a written request signed by two or more of its members and filed with the secretary.

112.4 Appeals to Board. Any person who is aggrieved by any decisions of the Building Official relating to suitability of alternate materials, methods of construction, or interpretations of any provisions of this code, and any person who seeks a variance from the strict application of this code for the alteration or repair of existing buildings whenever there are practical difficulties involved in carrying out the provisions of this code, may appeal such decision by filing an appeal on forms furnished by the Building Official within thirty days from the date of such decision. The filing of a completed appeals form, along with the payment of the prescribed fee, shall be sufficient for the purpose of commencing an appeal proceeding hereunder:

- (1) A \$25.00 fee for review of a decision of the Building Official interpreting a provision or provisions of this code;
- (2) A \$50.00 fee for review of a decision of the Building Official concerning the suitability of alternate materials or types of installation.

112.5 Hearing Date. The Building Official shall refer all properly and timely filed appeals to the Building Code Board of Appeals for hearing. The Municipal Clerk shall in each appeal notify the appellant in writing of the date, time and place of hearing before the board, which date shall be no later than thirty days from the filing of the appeal.

112.6 Hearing Procedure. Hearings on appeal need not be conducted according to technical rules relating to evidence and witnesses. Oral evidence shall be taken only on oath or affirmation. Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which may make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. Irrelevant and unduly repetitious evidence shall be excluded.

The appellant, the Building Official, and any other party to an appeal hereunder shall have these rights, among others:

- (1) To call and examine witnesses on any matter relevant to the issues of the hearing;
- (2) To introduce documentary and physical evidence;
- (3) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing, and

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(4) To rebut the evidence against him, her, or it.

112.7 Decision of Board. The Building Code Board of Appeals shall then, within a reasonable time after the hearing, render a written decision which shall state its findings and conclusions.

112.8 Enforcement. Enforcement of any decision, notice, or order of the Building Official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed, except in cases of emergency, where enforcement of the same is necessary for the protection of life, limb, or property.

§9-103 BUILDING OFFICIAL; POWER AND AUTHORITY.

The Building Official shall be the Municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed, and shall have those duties and powers set forth in the currently adopted version of the Building Codes adopted by the Municipality.

§9-104 BUILDING OFFICIAL; 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 Municipality to have during such work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this Section and the Building Official shall stop all work until guards are erected and maintained as required.

§9-105 BUILDING CODE; TOPOGRAPHICAL CHANGES.

Any person desiring to change the topography of real estate within the corporate limits of the Municipality shall present a plat of the property affected together with adjacent properties within two hundred (200') feet of the property on which the topography change is to be made to the Governing Body prior to commencing such work. Such plat shall show present elevation lines in three-foot (3') intervals for all property appearing on such plat. Additionally, such plat shall show the new elevations to be proposed and shall identify the slopes and grades created by such change. No such topographical changes shall be made until and unless approved by the Governing Body. No topographical change shall be approved if it results in a change in the direction or volume of storm water runoff leaving the property, unless when the plat is submitted there is appended thereto an approval of all property owners who may be affected by such change in runoff leaving the property. The decision of the Municipal Engineer as to whether runoff from storm water leaving the property is changed by the proposed topographical change. The Municipal Engineer shall consider the distance of the topographical

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change from the property line together with the proposed slope of land and the water retention properties of the property involved in reaching his conclusion.

§9-106 WORK EXEMPT FROM PERMIT.

Pursuant to the IBC 2003, a Building Permit shall not be required for the conditions set forth in section 105.2 of the IBC 2003 and additionally, said section shall be amended to include the following additional exemptions:

1. Fences less than 6 feet 4 inches high.
2. Temporary Pools which are removed seasonally and occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18 927 L).
3. Re-roofing.
4. Replacement of windows and/or doors with new units, matching sizes and functions of existing windows.
5. Re-siding.
6. Replacing current sidewalk.
7. Minor modifications or repairs, which do not affect structural integrity or life-safety elements.
8. Decks which are:
 - Under 30" above grade
 - AND not attached to any other structures.

Unless otherwise exempted, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

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.

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ARTICLE 2. PROPERTY MAINTENANCE CODE

§9-201 PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE.

Section 1. To provide for the regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Municipality providing for the issuance of permits and collection of fees therefore; the 2003 edition of the *International Property Maintenance Code*, as published by the International code Council, and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Municipal Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: Municipality of Eagle, Nebraska

Section 103.5. Insert: Building Permit Fee Schedule as set forth in Chapter 9, Article 7

Section 304.14. Insert: May 1, November 1.

Section 602.3. Insert: September 1, May 1.

Section 602.4. Insert: September 1, May 1.

Section 3. All prior ordinances in conflict herewith shall be and are hereby repealed.

Section 4. One (1) copy of the Property Maintenance Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the Property Maintenance Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction.

Section 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

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ARTICLE 3. PLUMBING CODE

§9-301 PLUMBING CODE; INTERNATIONAL PLUMBING CODE ADOPTED BY REFERENCE.

Section 1. Except as hereinafter provided by specific amendment, the *International Plumbing Code*, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the Municipality of Eagle, Nebraska regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: Municipality of Eagle, Nebraska

Section 106.6.2. Insert: Building Permit Fee Schedule as set forth in Chapter 9, Article 7

Section 106.6.3. Insert: 85%, 85%

Section 108.4. Insert: Misdemeanor, \$500.

Section 108.5. Insert: \$100, \$500.

Section 305.6.1. Substitute and Insert: Building sewers that connect to private sewage disposal systems shall conform to Nebraska Department of Environmental Quality, Title 124, relative to minimum depth below finished grade

Section 904.1. Insert: 10, 10.

Section 3. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. One (1) copy of the referenced Code will be kept on file at the Clerk's office for public inspection. The provisions of the Plumbing Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction.

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ARTICLE 4. RESIDENTIAL CODE

§9-401: INTERNATIONAL RESIDENTIAL CODE; ADOPTED BY REFERENCE.

Section 1. Except as hereinafter provided by specific amendment the 2003 edition of the *International Residential Code*, as published by the International Code Council, be and is hereby adopted as the Residential Code of the Municipality of Eagle, Nebraska regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the Municipality; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance

Section 2. The following sections are hereby revised:

Section R101.1. Insert: Municipality of Eagle, Nebraska

Table R301.2 (1) Insert: Ground Snow Load: 25; Wind Speed: 90; Seismic Design Category: B; Weathering: Severe; Front line depth: 36"; Termite: Mod-Heavy; Decay: Slight – Moderate; Winter Design Temp: 0 Degree F; Ice Shield Underlayment: Yes; Air Freezing Index: 1500; Mean Annual Temp 50 Degree F.

Section P2603.6.1 Substitute and Insert: Building sewers that connect to private sewage disposal systems shall conform to Nebraska Department of Environmental Quality, Title 124, relative to minimum depth below finished grade.

Section P3103.1 Insert: 10, 10.

Section 3. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. One (1) copy of the referenced Code will be kept on file at the Clerk's office for public inspection. The provisions of the Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction.

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ARTICLE 5. MECHANICAL CODE

§9-501 MECHANICAL CODE; INTERNATIONAL MECHANICAL CODE ADOPTED BY REFERENCE.

Section 1. Except as hereinafter provided by a specific amendment the *International Mechanical Code*, 2003 edition, including Appendix Chapter A as published by the International Code Council, be and is hereby adopted as the Mechanical Code of Eagle, Nebraska regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Municipal Clerk are hereby referred to, adopted, and made a part thereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: Municipality of Eagle, Nebraska

Section 106.5.2. Insert: Building Permit Fee Schedule as set forth in Chapter 9, Article 7

Section 106.5.3. Insert: 85%, 85%.

Section 108.4. Insert: Misdemeanor, \$500.

Section 108.5. Insert: \$100, \$500.

Section 3. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. One (1) copy of the referenced Code will be kept on file at the Clerk's office for public inspection. The provisions of the Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction.

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ARTICLE 6. PRIVATE SEWAGE DISPOSAL

§9-601. NO PRIVATE SEWAGE DISPOSAL PERMITTED WITHIN CORPORATE LIMITS; JURISDICTION WITH THE STATE OF NEBRASKA FOR REMAINDER OF ZONING JURISDICTION.

Section 1. The Nebraska Department of Environmental Quality shall have all authority to permit, regulate and otherwise monitor any private sewage disposal system within the zoning jurisdiction of the Municipality. No private sewage disposal system is permitted within the Corporate Limits of the Municipality.

Section 2. In the event any person shall violate a provision of this code or fails to comply with any of the requirement, said person shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served, shall be deemed a separate offense.

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ARTICLE 7. BUILDING PERMITS

§9-701 BUILDING PERMITS.

The provisions for Building Permits shall be set forth under 2003 IBC Section 105.

§9-702 BUILDING PERMITS; TOPOGRAPHICAL.

In the event proposed construction for which a Building Permit is required under this Article will result in topographical changes on the Property upon which the construction is to take place, a plat as required under Eagle Municipal Code §9-105 shall be submitted with the Building Permit application. In the event the topographical change proposed is not approved, the Building Permit for which the topographical change is requested shall not be issued.

§9-703 BUILDING PERMITS; APPEAL.

Appeals from the determination of the Governing Body to reject a building permit application shall be taken pursuant to the provisions provided for in Chapter 9, Article 1, BUILDING CODE BOARD OF APPEALS.

§9-704 BUILDING PERMITS; FEES.

Before issuing any permit for the building of any new building or for the alteration or remodeling of any building, there shall be charged the owner of the real estate upon which said alteration, remodeling, moving, relocating, or building is taking place, a permit fee which shall be as follows

A.	Base	for each Thousand
Construction Cost		
\$500 or Less	\$23.50	\$0
\$501 to \$2000	\$23.50	\$3.05 over \$500
\$2001 to \$25,000	\$69.25	\$14.00 over \$2,000
\$25,001 to \$50,000	\$391.25	\$10.10 over \$25,000
\$50,001 to \$100,000	\$634.75	\$7.00 over \$50,000
\$100,001 to \$500,000	\$993.75	\$5.60 over \$100,000
\$500,001 to \$1,000,000	\$3233.75	\$4.00 over \$500,000
Over \$1,000,000	\$5608.75	\$3.15 over \$1,000,000

The Permit Fee shall be calculated as follows:

The Base Fee for a given Construction Cost plus the scheduled amount for each thousand dollars over the bottom of the range.

For Example:

For a construction cost of \$139,579, the formula would be as follows:

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\$993.75 (Base) added to 40 (\$39,579, rounded to \$40,000, divided by 1,000) X \$5.60 (\$224) = \$1,217.75

Note:

- ALL CONSTRUCTION COSTS OVER \$2000 SHALL BE ROUNDED UP TO THE NEXT \$1000
- THE CONSTRUCTION COST SHALL INCLUDE: ALL ELECTRICAL, PLUMBING, HVAC, PAVING, AND OTHER WORK RELATED TO THE VALUE OF THE IMPROVEMENT. LOT VALUES SHALL NOT BE INCLUDED AS PART OF THE CONSTRUCTION COST.

B. The Zoning Code Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 85% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

C. All building permits as set forth in this Article must be applied for and obtained before construction of any work is begun upon the building or remodeling. If construction or work is begun prior to obtaining the permit, the Municipality shall charge and collect double the amount of the fee, plus any costs related to investigation and legal action.

§9-705 BUILDING PERMITS; MOVING MOBILE HOMES.

Before any mobile home is moved within the Municipality, a permit allowing such movement shall be obtained. The fee for such permit shall be the sum of fifty dollars (\$50.00). Said permit shall be obtained from the Building Official.

§9-706 BUILDING PERMITS; DEMOLITION, UTILITY DISCONNECTION.

All water and sanitary sewer services shall be disconnected and sealed by the owner of the premises served by such service at the main at the owner's expense and said disconnects shall be inspected and approved by the Utilities Superintendent. Such disconnection shall be accomplished subject to any regulations adopted by the Governing Body pertaining thereto. All necessary excavations in streets, alleys, or sidewalks for the purpose of such disconnections shall be made in conformance with § 3-105 of this Code. Also such demolitions require two (2) inspections by the Utilities Superintendent. The first (1st) inspection shall be made when the utilities are abandoned to make

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certain that they are properly sealed and watertight which inspection shall be made before the pipes are covered. The second (2nd) inspection shall be made after the dirt work is completed. It is the customer's responsibility to notify the Superintendent at the time the work is ready for each inspection. All disconnection of utilities shall be done under the supervision of the Utilities Superintendent and strictly in accordance with the rules, regulations and specifications adopted by the Governing Body. The disconnection and abandonment of the service shall include, but not be limited to, the proper removal of meter vaults, stop boxes and valve boxes. In the event of the failure of the property owner of the premises to comply with the foregoing provision, the Utilities Superintendent shall have authority to make such abandonment and charge the same against the property served by such service. There is hereby established, in addition to the above-described expenses, a utilities demolition fee of One Hundred Fifty Dollars (\$150.00) per dwelling unit. Said fee shall be required to be paid in full prior to the disconnection of utilities services. The term "dwelling unit" as used in this Section shall have the same meaning as that term is defined in the Eagle Zoning and Subdivision Regulations, as they may be amended from time to time.

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ARTICLE 8. UNSAFE BUILDINGS

§9-801 UNSAFE BUILDINGS; SPECIAL ASSESSMENTS.

If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the Municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Governing Body. The Governing Body may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. (*Ref. 18-1720, 18-1722, 18-1722.01, 77-1725 RS Neb.*)

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ARTICLE 9. PUBLIC LIABILITY INSURANCE COVERAGE

§9-901 CERTIFICATE OF INSURANCE.

Whenever a contractor performs any work requiring the issuance of a permit under the provisions of this Code, such contractor shall be required to:

(a) At all times maintain public liability insurance coverage for all claims arising out of all work in the Municipality and within one mile of the corporate limits thereof done by or under the supervision of the contractor under the provisions of this Code. Such insurance shall be in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the Municipal Attorney, with a minimum combined single limit of \$500,000 aggregate for any one occurrence on any job which a permit is required under this Code, provided the Municipality shall be named an additional insured thereunder. The coverages required herein shall be subject to review and approval by the Municipal Attorney for conformance with the provisions of the section.

(b) At all times keep on file with the Municipal Clerk a current Certificate of Insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska and approved by the Municipal Attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the Municipality as an additional insured for the coverage required by subsection (a) of this Article, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring 30 days notice by mail to the Municipal Clerk before the insurer may cancel the policy for any reason, and upon request of the Municipal Clerk or the Municipal Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Expiration or cancellation of any insurance coverage required by this Article shall constitute an automatic and immediate termination of the contractor's privilege to perform work pursuant to issued permits under the provisions of this Code, unless other insurance meeting the requirements of this Article is provided and in full force and effect at the time of such expiration or cancellation.

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ARTICLE 10. PENAL PROVISION

§9-1001 PENAL PROVISION.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, use, occupy, or maintain any building or structure in the Municipality, or cause the same to be done contrary to or in violation of any of the provisions of this Chapter.

Section 1: FINE: In addition to any fees and fines set forth elsewhere in this Chapter, any person, firm, or corporation who shall violate any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed \$500.00. Each day that a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Section 2: ABATEMENT OF NUISANCE. Whenever a nuisance exists as defined in this Chapter, the Municipality 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. (*Ref. 18-1720, 18-1722 RS Neb.*)