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## CHAPTER 8 – BUILDING REGULATIONS

### Article 1 – Building Inspector

#### SECTION 8-101: POWERS AND AUTHORITY

When necessary, the Village Board shall appoint a building inspector, who shall be the village official having the duty of enforcing all building and housing regulations as herein prescribed. The village engineer, another person experienced in building construction practices, the code enforcement officer, if appointed in Chapter 1, Section 411, or another person may be appointed as building inspector. The duties of the building inspector shall be as follows:

A. He or she shall have the authority to carry out the duties as stated in the Dangerous Buildings Regulations in Chapter 2, Section 2-502.

B. He or she shall inspect all buildings repaired, altered, built, or moved in the Village as often as necessary to insure compliance with all village ordinances as well as construction codes adopted in Section 8-601 herein; and is authorized, upon properly identifying himself or herself, 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 or she 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.

C. He or she shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He or she 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.

D. He or she 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 or she is the owner; and he or she shall not act as an agent for any said dealer or as an agent for the sale, lease, or rental of any real estate.

E. He or she shall keep records of all complaints received, inspection reports, orders, and complaints issued, which shall be available for public inspection.

F. He or she shall report to the Village Board as often as may be deemed necessary and shall have such other duties as the board may direct.

**SECTION 8-102: 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 8-103: TIME OF INSPECTION**

A. The building inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of a building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her 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 are 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 8-104: APPEAL FROM DECISION**

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 particular building make it unreasonably difficult to meet the requirements prescribed by this chapter and by the building inspector, the owner, his or her 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. 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. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation are assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to both the building inspector and the applicant.

## Article 2 – Building Permits

### SECTION 8-201: APPLICATION; CONSTRUCT, REPAIR, ENLARGE, DEMOLISH

A. Any person desiring to commence or proceed to erect, construct, repair, enlarge, or demolish any building or dwelling or cause the same to be done, including but not limited to a lawful burning pursuant to Neb. Rev. Stat. §28-506, 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 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.

B. The application, plans, and specifications filed with the village clerk shall be checked and examined by him or her and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the application shall be presented to the Village Board for its approval. Upon approval by the board, the village clerk shall issue a permit when payment of the permit fee is received from the applicant. Such fee shall be set by resolution of the Village Board and kept on file with the clerk. Standard permit fees shall, however, apply only in the case of on-time (before construction) filings. Any application filed after construction has commenced shall pay a fee that is four times the standard fee.

C. The issuance of a building permit does not and shall not be construed to constitute a verification or confirmation by the Village that the proposed erection, construction, repair, or destruction of any building or dwelling satisfies each requirement of all applicable village codes, rules and regulations. The Village reserves the right to require the holder of any building permit to make such modifications, additions, deletions or changes as may be necessary to satisfy all of its applicable codes, rules and regulations. The Village shall have no liability for any costs or expenses incurred in connection with any modifications, additions, deletions or changes required by the building inspector to satisfy all of its applicable codes, rules and regulations.

(Neb. Rev. Stat. §§17-130 through 17-132, 17-550, 17-1001)

### SECTION 8-202: 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 started or resumed, a new permit shall be obtained in the same manner and form as an original permit.

### SECTION 8-203: 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 by the village clerk. (Neb. Rev. Stat. §18-1743)

#### **SECTION 8-204: 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 shall stop all work until guards are erected and maintained as required.

#### **SECTION 8-205: BOND REQUIREMENT**

It shall be the duty of the owner, lessee or tenant intending the destruction of any building or improvement to post a \$1,000.00 cash bond with the village clerk prior to such destruction. This bond will be refunded upon removal of all nuisances which result from the destruction. In the event that a nuisance remains on the building permit site for more than six months after the issuance of the building permit, then the bond shall be forfeited and shall be applied to offset the cleanup by the Village.

#### **SECTION 8-206: BUILDING WITHOUT PERMIT; NUISANCE**

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

## Article 3 – Building Moving

### SECTION 8-301: REGULATIONS; PERMIT FEE; BOND

A. It shall be unlawful for any person to move any building over or across any street or public way of this village until a permit therefor has been issued by the Village Board chairman and all other provisions of this article have been complied with. The owner of said building proposed to be moved, or his or her agent, shall file with the village clerk a written application showing the size and kind of building, its present location and its proposed location. 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.

B. Every application shall be accompanied by a permit fee as set by resolution of Village Board and kept on file in the office of the village clerk. The owner of said building shall also furnish a bond with good and sufficient surety of \$10,000.00. Said bond is to be issued on condition, among other things, that said licensee will in all things strictly comply with all the provisions of the ordinances of this village relating to building moving and that said licensee will save, indemnify and keep harmless the said village from all liabilities, judgments, costs and expenses which may in any wise accrue against it in consequence of the granting of such license.

C. In addition, said licensee shall agree in writing to pay to said village any and all damages which may be sustained by any pavement, curb, gutter, sidewalk, street or other village property through the moving of such building by said licensee, and said licensee shall pay the owner any and all damages caused in a like manner to any private property in said village.

D. Said permit shall limit the time of removal and shall specify the route to be followed in moving said building over and across the streets and public ways of said village, which shall be the route that least interferes with utility and lighting systems in said village under all circumstances. It shall be unlawful for any such licensee to digress from such time or specified route without permission or written consent of the board chairman.

E. The chairman shall authorize the village clerk to issue such permit upon fulfillment of all requirements of this section.

(Neb. Rev. Stat. §§60-6,288 to 60-6,291, 60-6,294, 60-6,298 to 60-6,301)

### SECTION 8-302: UTILITIES

A. In the event it will be necessary for any licensed building mover to interfere with poles, wires, gas mains, pipelines, and other appurtenances, the company or companies owning, using, or operating the said appurtenances shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the said poles, wires, gas mains, pipelines, and other appurtenances 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.

B. 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.

### **SECTION 8-303: COMPLETION OF MOVE**

At such time as the building moving has been completed, the street commissioner 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 street commissioner, the clerk shall return the corporate surety bond, cash, or check deposited by the applicant. In the event any basement, foundation, or portion thereof is not properly filled, covered or left 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 – Fence Regulations

### SECTION 8-401: DEFINITIONS

“Back yard” shall mean that portion of the property that is on the opposite end of the front yard.

“Corner lot” shall mean a lot with two street frontages with the front of the house facing one street and the side of the house adjoining the other street.

"Fence" shall mean a fence or similar structure serving as an enclosure, barrier or boundary.

“Front yard” shall mean that portion of the property that is adjacent to a street.

"Open fence" shall mean a fence, including gates, which has, for each one-foot-wide segment extending over the entire length and height of the fence, 50% or more of the surface area in open spaces which afford a direct view through the fence.

“Side yard” shall mean that portion of the property that is between the front and back yards.

"Solid fence" shall mean a fence, including gates, which has more than 50% of the surface area closed.

### SECTION 8-402: PERMIT REQUIRED

No fence shall be erected, constructed or maintained within the village limits or zoning jurisdiction of the Village unless a building permit therefor is applied for, approved and issued by the village clerk and unless such fence is erected, constructed and maintained in conformance with the requirements of this article.

### SECTION 8-403: APPLICATION PROCEDURE; FEE

A. Written application for a fence permit shall be made upon a form prescribed by the village clerk, shall be signed by the property owner or his or her duly authorized agent or attorney, and shall be accompanied by a fee in the amount set by the Village Board by resolution and kept on file with the village clerk.

B. Each application shall designate the address to which notices shall be sent and shall be accompanied by a building plan showing the location of iron pins or other property markers denoting the lot lines.

C. The application shall be accompanied by structural drawings showing the location of the fence on the applicant's property, the height and type of fence, and specification of materials to be used for its construction.

D. The applicant shall verify that he or she has contacted Digger's Hotline and that the utility lines have been marked prior to construction.

E. Two property owners desiring to build one fence on the common lot line of adjacent side yards or back yards may file one application jointly signed by them as applicants.

#### **SECTION 8-404: APPROVAL OF APPLICATION; TIME LIMIT**

The village clerk is authorized to approve all applications for fence permits which conform to the provisions of this article and to issue permits for the erection and construction thereof. All permits issued hereunder shall be valid for a period of six months from date of issuance; if the fence authorized is not fully erected and constructed within said period, the permit shall be null and void and a new permit must be issued before construction can begin.

#### **SECTION 8-405: LOCATION AND PLACEMENT RESTRICTED**

Except as may be otherwise specifically provided in this article, no fence shall be erected, constructed or maintained on any lot or tract of land outside the surveyed lot lines of the property to which it belongs. No fence shall be constructed which would cause a water or snow problem to an adjacent property. Any fence constructed must be at least 10 feet from any adjacent residence.

#### **SECTION 8-406: TRAFFIC HAZARDS PROHIBITED**

A. No fence shall be erected, constructed or maintained in such a manner as to obstruct the view of drivers of vehicles approaching street intersections or which otherwise creates a traffic safety hazard.

B. No foliage or shrubbery exceeding 3 feet in height shall be planted or maintained in such areas which will obstruct the view of drivers approaching the street intersection.

#### **SECTION 8-407: HEIGHT AND MATERIALS PERMITTED; SPECIAL USE PERMIT**

A. Fences shall (1) be constructed of commonly accepted materials for residential fences such as wood, plastic, vinyl, PVC/resin, concrete, stone, masonry, wrought iron, or chain link; (2) be structurally sound; and (3) have a neat, professional and finished appearance.

B. Any fence constructed within the front yard of a residential lot may be an open or closed fence not more than 4 feet above the ground.

C. Setbacks shall be as follows:

1. Front yard setback shall be 1 foot inside of existing sidewalks. Where no sidewalk exists, then the setback shall be at least 4 feet from the property line.
2. Rear yard: Fence must be erected on property line.
3. Side yard: Fence must be erected on property line.

D. Front yard fences shall not exceed 4 feet in height.

E. Closed fencing to provide for privacy may be constructed to a height not exceeding 8 feet above the ground, provided that no part thereof is situated within the front yard. Only side and rear yards can have a fence that is 8 feet high.

F. Any person desiring a variance from the height and material requirements of this section shall be required to apply to the Village Board for a special use permit.

**SECTION 8-408: CERTAIN MATERIALS AND FENCES PROHIBITED; SPECIAL USE PERMIT**

A. It shall be unlawful for any person to erect, construct or maintain any barbed wire fence except for perimeter security fencing of buildings constructed in industrial districts (the plans and specifications for which require village approval before commencement of construction), and for farm fencing constructed for agricultural purposes in agricultural districts.

B. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct or maintain any fence with a barbed selvage at its top.

C. No electric fence shall be erected, constructed or maintained within the Village or within its zoning jurisdiction except in the Agricultural Zone for agricultural purposes.

D. No fence shall be constructed of material not commonly used for residential fences, such as non-treated or natural wood products, fiberglass, barbed wire, wooden pallets, chicken wire or corrugated metals.

E. Any person desiring a variance from the prohibition against use of certain materials and types of fences may apply to the Village Board for a special use permit.

**SECTION 8-409: FINISHED SIDE FACING TOWARD OUTSIDE OF PROPERTY**

The finished side of the fence must face outward from the property. Visible supports and other structural components shall face inward toward the subject property.

**SECTION 8-410: MAINTENANCE REQUIRED**

All fences existing at the adoption of this article and all fences hereafter erected or

constructed shall be maintained in good repair. If a fence is not maintained in good repair, it shall be deemed a nuisance and shall be subject to the procedures and penalties prescribed in the nuisance ordinances of the Village.

#### **SECTION 8-411: FENCES IN EXISTENCE AT DATE OF ADOPTION HEREOF**

Any existing fence in place as of the date of adoption of this article may remain without change in accordance with this section notwithstanding the same may be in conflict or violation with one or more provisions of this or prior ordinances; provided, however, replacement or change of any such existing fence or addition of new fence must meet all requirements of this article.

#### **SECTION 8-412: GATES FOR UTILITY ACCESS**

All property owners with existing fences not complying with this article may be required to provide fence gates to provide access to the property for utility maintenance and repair.

#### **SECTION 8-413: ENFORCEMENT**

A. Any fence permit issued hereunder may be revoked or canceled by the Village for reasons as follows:

1. Fraud, misrepresentation, concealment, error or material omission in the application for a fence permit or in the accompanying survey or related document.
2. The fence authorized by the permit as issued has not been or is not being erected or constructed in conformity with the provisions of the application, its related survey and other documents or is otherwise in violation of any part or section of this article.

B. Should it be determined that any person is replacing, changing or adding to any existing fence in place as of the date of adoption of this ordinance without having obtained a valid fence permit as herein provided or that such existing fence poses a traffic safety hazard or is dangerous and prohibited under the provisions herein, the village clerk shall forthwith notify the code enforcement officer of such violation. The code enforcement officer shall mail by certified mail or leave a notice of violation at the residence of the offending party or owner, as the case may be. Upon receipt of such notice, the party violating the terms herein shall thereupon cause the offending fence to be removed or shall cease and desist from all further efforts in adding to, replacing or changing such fence until the same conforms to the requirements of this article. Failure to remove such fence or to remedy the violation within 15 days of receipt of notice shall constitute a violation of this article.

C. The village attorney is authorized and empowered to enforce any and all provisions of this article and to initiate or defend suits in courts of competent jurisdiction as may be required to enforce the provisions of this article.

#### **SECTION 8-414: DENIAL OF PERMIT; HEARING**

A. In the event that the owner, occupant, lessee, mortgagee, agent or other person has made an application for a fence permit and such permit has been denied, said party may appeal such decision to the Panama Village Board. To make an appeal, said person shall notify the village clerk with a written statement that sets forth the reasons for the disagreement or dispute and the relief requested. The written request shall be made within 14 days of mailing of the notice of denial. If written notice is received by the village clerk within 14 days of mailing or delivery of notice, a hearing shall be held before the Village Board, either at a special meeting or at a regularly scheduled monthly meeting. The clerk shall notify the person requesting the hearing, in writing, of the time, place, and date of such hearing.

B. The hearing before the Village Board shall be informal and not governed by the Nebraska Rules of Evidence. Such hearing shall be quasi-judicial in nature and the board's decision shall be based on the evidence presented at the hearing. The person requesting the hearing may be represented by legal counsel or other representative, may present witnesses and offer evidence, and may examine and copy, at his or her own expense, and not less than three business days before the hearing, the records of the Village regarding the inspection and notice. The Village Board need not make a written finding of fact and may make its pronouncement orally at the hearing. The decision of the board shall be final unless appealed. Failure of the said person to attend the hearing shall relieve the board of any further procedures before action is taken as set forth in a notice.

#### **SECTION 8-415: APPEAL**

Any person aggrieved by the decision of the Village Board may appeal the decision to the District Court of Lancaster County, Nebraska. Such appeal shall and must be taken within 30 days of the pronouncement of the board's decision.



## Article 5 – Shipping Containers

### SECTION 8-501: DEFINITION

"Shipping container" is an industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities by commercial trucks, trains and/or ships. Shipping containers, as defined, are not railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, or similar prefabricated items and structures originally built for purposes other than storage of goods and materials. A shipping container, as defined, also includes a POD – a portable storage container designed and intended for the temporary placement upon property for the onsite storage of household or other goods, with a size typically not exceeding 16' x 8' x 8'.

### SECTION 8-502: REGULATIONS

Shipping containers are not permitted on any property within the village limits with the exception of using the container on a temporary basis including moving, relocating, and or construction on the property.

A. One shipping container shall be permitted for a period not to exceed 6 months for the limited purpose of loading and unloading household contents and related items. A permit must be obtained from the Village.

B. A licensed contractor may use shipping containers for the temporary location of an office, equipment and/or materials storage during construction which is taking place on the property where the shipping container is located, if the use of the shipping container is authorized pursuant to a building permit.

C. Shipping containers must be securely anchored to the ground

D. Shipping containers shall not be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements or adjacent structures and buildings.

E. Shipping containers may be used for storage only and shall not be used for human habitation.

F. Shipping containers shall not be used to store hazardous materials in violation of any local, state or federal law or requirements.

G. Shipping containers shall not be stacked on top of each other or on another structure.

H. All shipping containers shall be operated in a safe manner and be structurally

sound, stable, and in good repair. The container shall not contain any holes, peeling paint, rust, damage or structural modifications.

(Ord. No. 2018-8.1, 9/17/18)



## Article 6 – Construction Codes

### SECTION 8-601: BUILDING CODES; ADOPTED BY REFERENCE

A. To provide for the safe construction of buildings in the Village and to provide minimum standards for safe and stable design, methods of construction and uses of materials in all buildings hereafter erected, constructed, enlarged, altered, repaired, relocated and converted, all current housing, construction, plumbing, electrical codes as adopted by the City of Lincoln/Lancaster County, Nebraska, be and the same are hereby adopted by the Village. Such codes shall have the same force and effect as though having been spread at large in these ordinances without further or additional reprinting herein. All amendments to such codes as adopted by the City of Lincoln/Lancaster County are incorporated herein by reference including but not limited to the following:

1. International Building Code (2018 Edition) & Local Amendments;
2. International Residential Code (2018 Edition) & Local Amendments;
3. International Energy Code (IECC 2018 Edition) & Local Amendments;
4. National Electrical Code (2017 Edition) & Local Amendments;
5. International Fire Code (2018 Edition) & Local Amendments;
6. International Property Maintenance Code (2012 Edition) & Local Amendments;
7. International Mechanical Code (2018 Edition) & Local Amendments;
8. International Fuel Gas Code (2018 Edition) & Local Amendments;
9. Lincoln Hydronics Code & Local Amendments;
10. Uniform Plumbing Code (2018 Edition) & Local Amendments;
11. Gas Piping and Systems Code;
12. IECC 2018 Energy Code (For commercial use only);
13. 2010 ADA Standards for Accessible Design.

B. The village clerk shall at all times obtain and maintain for use and examination by the public in his or her office not less than one copy of each of such codes and such amendments as may be made to each of such codes from time to time.

C. When subsequent editions and local amendments are adopted by the City of Lincoln/Lancaster County, said codes shall be considered adopted by the Village.  
(Neb. Rev. Stat. §§17-1001, 18-132, 19-922)



## **Article 7 – Penal Provision**

### **SECTION 8-701: VIOLATION: PENALTY**

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