

ORDINANCE NO. 4440

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND HASTINGS CITY CODE CHAPTER 28 DEALING WITH BUILDINGS BY ADOPTING THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 INTERNATIONAL RESIDENTIAL CODE, THE 2012 INTERNATIONAL MECHANICAL CODE, THE 2012 INTERNATIONAL EXISTING BUILDING CODE, AND THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE; TO REPEAL ALL OTHER ORDINANCES AND PROVISIONS IN CONFLICT HERewith; TO ESTABLISH AN EFFECTIVE DATE; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That Hastings City Code Chapter 28 is hereby amended to read as follows:

CHAPTER 28

BUILDINGS.

Reference: Neb. Rev. Stat. Section 18-132; Neb. Rev. Stat. Section 16-233; Neb. Rev. Stat. Section 16-234.

Article I. In General.

- 28-101. International Building Code adopted.
- 28-102. International Residential Code adopted.
- 28-103. International Mechanical Code adopted.
- 28-104. International Energy Conservation Code adopted.
- 28-105. International Existing Building Code adopted.
- 28-106. Prefabricated buildings.
- 28-107. Foundation systems for type A manufactured dwellings.
- 28-108. Compliance with chapter.
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Article II. Building Inspector.

- 28-201. Duties generally.
- 28-202. Enforcement of Building Code.

Article III. Permits.

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- 28-303. Approval; issuance.
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- 28-401. Definitions.
- 28-402. Permit -- Required.
- 28-403. Same -- Application; fee.
- 28-404. Same -- Fees.
- 28-405. Same -- Grounds for denial.
- 28-406. Same -- Disposition of fees, bonds, etc.
- 28-407. Bond or insurance.
- 28-408. Approval of routing and time of moving.
- 28-409. Inspection of building and moving equipment.
- 28-410. Duties of permittee.

Article V. Unsafe Buildings.

- 28-501. Abatement of dangerous buildings.

Article VI. Board of Appeals.

- 28-601. Board of Appeals; purpose and intent.
- 28-602. Board of Appeals; created.
- 28-603. Board of Appeals; powers.

Article I. In General.

28-101. International Building Code adopted.

The International Building Code, 2012 Edition, including Appendix Chapters C, F, I and J, as published by the International Code Council, Inc., is hereby adopted as the Building Code of this municipality for establishing the minimum regulations governing the conditions and maintenance of all property, buildings, and structures, 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 for the demolition of such buildings and structures. Each and all of the regulations, provisions, penalties, conditions, and terms of the 2012 International Building Code 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 herein. The

2012 International Building Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein, insofar as such code does not conflict with the Statutes of the State of Nebraska or other specific model codes adopted by the City of Hastings. One copy of the 2012 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 2012 International Building Code shall be controlling throughout the municipality and throughout its extraterritorial zoning jurisdiction.

The following sections of the 2012 International Building Code are hereby revised:

Section 101.1. Insert: City of Hastings, Nebraska

Section 101.2. Amend first paragraph to read: “**Scope.** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures inside the corporate limits of the City of Hastings, Nebraska and within two (2) miles thereof, whenever said City is exercising its extraterritorial zoning jurisdiction within said two (2) mile area, except where otherwise specifically provided.”

Section 101.2.1 Amend to read, “Provisions in the appendices shall not apply unless specifically adopted. Appendix chapters C, F, I and J are hereby specifically adopted.”

Section 101.4.1. Delete.

Section 101.4.6 Amend to read, “**Energy.** The provisions of the 2009 International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.”

Section 103 Delete entirely

Section 105.2. Delete: Building Items 1 and 2. Delete: all Electrical, Gas, Mechanical and Plumbing items.

Section 113.1. Amend to read: “**General.** In order to hear and decide appeals of orders or determinations made by the building official relative to the application and interpretation of this code, all appeals and requests for interpretation shall be directed to the Board of Appeals in accordance with Chapter 28, Article VI, of the Hastings City Code.”

Section 1301.1.1. Amend to read: “**Criteria.** Buildings shall be designed and constructed in accordance with the 2009 International Energy Conservation Code.”.

Section 1612.3. Insert: City of Hastings, Nebraska

Section 1612.3. Insert: August 17, 1981

Section 3412.2. Insert: January 24, 1938

Section J104.1. Amend to read: "**Submittal requirements.** In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill. A fee shall be paid pursuant to Section 109." (Ord. No. 3945-7/2004, 4126-6/2007 and 4249-3/2010)

28-102. International Residential Code adopted.

The International Residential Code, 2012 Edition, including Appendix Chapters E, F, G, H, J, and K, as published by the International Code Council, Inc., is hereby adopted as the Residential Building Code of this municipality for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the municipality and providing for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions, and terms of the 2012 International Residential Code 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 herein. The 2012 International Residential Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as such code does not conflict with the Statutes of the State of Nebraska or other specific model codes adopted by the City of Hastings. One copy of the 2012 International Residential 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 2012 International Residential Code shall be controlling throughout the municipality and throughout its extraterritorial zoning jurisdiction.

The following sections of the 2012 International Residential Code are hereby revised:

Section R101.1. Insert: City of Hastings, Nebraska.

Section R101.2. Amend to read: "Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures inside the corporate limits of the City of Hastings, Nebraska and within two (2) miles thereof, whenever said City is exercising its extraterritorial zoning jurisdiction within said two (2) mile area, except where otherwise specifically provided."

Section R103. Delete entirely.

Section R105.2. Delete 1 & 2. Delete all Electrical, Mechanical and Gas items.

Section R107. Delete entirely.

Section R112.1. Amend to read: "General. In order to hear and decide appeals of orders or determinations made by the building official relative to the application and interpretation of this code, all appeals and requests for interpretation shall be directed to the Board of Appeals in accordance with Chapter 28, Article VI, of the Hastings City Code."

Section R112.2.1 and R112.2.2 Delete entirely.

Section R112.2.1 Delete entirely.

Section R112.2.2. Delete entirely

Table R301.2(1) Insert:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			Weathering	Frost line Depth	Termite					
25 LB/FT ²	90	A	Severe	44"	Moderate to Heavy	-3 degrees F	Yes	FBFM and FIRM, Effective date: August 17, 1981	1362 degree F- Days	51.2 degrees F

Section R322 Delete entirely

Section R313 Delete entirely.

Part V—Mechanical. Delete entirely. Part VI—Fuel Gas. Delete entirely. Part VII—

Plumbing. Delete entirely. Part VIII—Electrical. Delete entirely.

The following sections of the Appendix F of the 2012 International Residential Code are hereby revised:

Section AF102.1. Add definition: Licensed Mitigation Business: A business licensed by the State of Nebraska Department of Health & Human Services to mitigate homes and other properties in Nebraska in order to lower high radon levels.

Section AF103.1. Amend to read, "AF103.1 General. The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure AF102). These techniques are

required in this municipality. It is recommended that a licensed radon mitigation business be involved in the design and construction of the residence's radon mitigation system."

Section AF103.5. Add, "Exception 2: Along with the requirements below, a fan may be added to the submembrane depressurization system, making it active."

Section AF103.7 Amend to read, "AF103.7 Vent pipe drainage. All components of the vent pipe system shall be installed to provide positive drainage to the ground beneath the slab or soil-gas-retarder. Vent pipes shall be installed as nearly vertical as possible. Horizontal runs in excess of 6 feet are not permitted unless technically infeasible. Where possible, lateral runs shall be at a 45 degree angle from the vertical."

Section AF103.6. Add, "Exception: Along with the requirements below, a fan may be added to the subslab depressurization system, making it active."

Add Section, "AF103.13 Pre-occupancy test. Before the residence is occupied, a short-term radon test shall be completed. If radon levels are greater than 4.0 pCi/L, the system shall have an approved fan installed to make the system an active sub-slab or sub-membrane depressurization system."
(Ord. No. 3945-7/2004, 4126-6/2007 and 4292-3/2011)

28-103. International Mechanical Code adopted.

The International Mechanical Code, 2012 Edition, as published by the International Code Council, Inc., is hereby adopted as the Mechanical Code of this municipality for 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 hereof, as if fully set out in this ordinance, insofar as such code does not conflict with the Statutes of the State of Nebraska or other specific model codes adopted by the City of Hastings with the additions, insertions, deletions and changes, if any, prescribed herein. The provisions of the Mechanical Code shall be controlling throughout the municipality and throughout its extraterritorial zoning jurisdiction.

The following sections are hereby revised:

Section 101.1. Insert: City of Hastings, Nebraska. Section 103. Delete entirely.

Section 106.5.2. Amend to read: "The fees for mechanical work shall be as set forth in the most recently adopted City of Hastings Fee Resolution."

Section 106.5.3. Insert in item 2: 80. Insert in item 3: 80. Section 108.4. Insert:

Misdemeanor; 100; zero.

Section 108.5. Insert: 25; 100.

Section 109.1. Amend to read: "General. In order to hear and decide appeals of orders or determinations made by the code official relative to the application and interpretation of this code, all appeals and requests for interpretation shall be directed to the Board of Appeals in accordance with Chapter 28, Article VI, of the Hastings City Code."

Section 109.2 Delete entirely.

Section 109.2.1 through 109.2.6 Delete entirely.

(Ord. No. 3945-7/2004, 4126-6/2007 and 4249-3/2010)

28-104. International Energy Conservation Code adopted.

The International Energy Conservation Code, 2009 Edition, as published by the International Code Council, is hereby adopted as the Energy Code of this municipality for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation 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 herein, insofar as such code does not conflict with the Statutes of the State of Nebraska or other specific model codes adopted by the City of Hastings with the additions, insertions, deletions and changes, if any, prescribed herein. The provisions of the Energy Conservation Code shall be controlling throughout the municipality and throughout its extraterritorial zoning jurisdiction.

The following sections of the Energy Code are hereby revised:

Section 101.1 Insert "City of Hastings"

Section 108.4 Insert 100; 100

Section 109.1 is amended to read, "General. In order to hear and decide appeals of orders or determinations made by the code official relative to the application and interpretation of this code, all appeals and requests for interpretation shall be directed to the Board of Appeals in accordance with Chapter 28, Article VI, of the Hastings City Code."

28-105. International Existing Building Code adopted.

International Existing Building Code Adopted

The International Existing Building Code, 2012 Edition, as published by the International Code Council, Inc., is hereby adopted as the Existing Building Code for this municipality for regulating and governing the repair, alteration, change of

occupancy, addition and relocation of existing buildings, including historic buildings, 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 Existing Building 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 herein. The provisions of the Existing Building Code shall be controlling throughout the municipality and throughout its extraterritorial zoning jurisdiction.

The following sections are hereby revised:

Section 101.1. Insert: City of Hastings, Nebraska.

Section 101.2. Amend to read: “**Scope.** The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings, inside the corporate limits of the City of Hastings, Nebraska, and within two (2) miles thereof, whenever said City is exercising its extraterritorial zoning jurisdiction within said two (2) mile area, except where otherwise specifically provided.

Section 103. Delete entirely.

Section 112.1 Amend to read: “**General.** In order to hear and decide appeals of orders or determinations made by the building official relative to the application and interpretation of this code, all appeals and requests for interpretation shall be directed to the Board of Appeals in accordance with Chapter 28, Article VI, of the Hastings City Code.”

Section 1401.2. Insert: January 24, 1938.
(Ord. No. 3945-7/2004, 4126-6/2007 and 4249-3/2010)

28-106. Prefabricated buildings.

All prefabricated buildings, building components, or assemblies shall be designed by a licensed engineer or architect. Manufactured housing as described in Neb. Rev. Stat. Section 71-1555 et seq. shall not be subject to this requirement. A prefabricated building is any building structure or part thereof which is totally or substantially constructed away from the building site, and which is portable until placed on a permanent foundation and connected to utilities; steel buildings sold by a manufacturer, plant cast concrete buildings or components (such as hollow core plank, or double tee), wood frame buildings or assemblies, masonry buildings or assemblies, or other similar prefabrications shall all be considered prefabricated construction.
(Code 1973, 8-2; Ord. Nos. 1930 and 2874)

28-107. Foundation systems for type A manufactured dwellings.

The foundation system for any Type A Manufactured Dwelling installed after the date of this Ordinance must meet the requirements set forth in the edition of the International Residential Code which is then in effect in the City as shown by the seal on the plans for said foundation system by an architect or structural engineer currently licensed by the State of Nebraska.
(Ord. No. 3428-10/94 and 3440-12/94)

28-108. Compliance with chapter.

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, remove, demolish, equip, use or occupy or maintain any building or structure, or any portion thereof in the city, contrary to or in violation of any of the provisions of this chapter or to cause, permit or suffer the same to be violated. (Code 1973, 8-3; Ord. No.1956 and 3428-10/94)

28-109. Civil proceedings

Whenever the building inspector is satisfied that any provision of this chapter has been violated or is about to be violated or that any order or direction made in pursuance of this chapter has not been carried out or is being disregarded the building inspector shall apply to the city attorney for the purpose of instituting civil proceedings. The city attorney shall thereupon institute an action for injunction or any other appropriate civil proceedings. Such civil proceedings shall be brought in the name of the city. Nothing in this section shall be held to exclude criminal proceedings as may be authorized by this chapter or any other law or ordinance in force or to exempt any person violating this chapter or any of the laws from any penalty which may be incurred.

(Code 1973, 8-4; Ord. No. 1956, 3428-10/94 and 3945-7/2004) Reference: As to general penalty, see 1-109 of this Code.

Article II. Building Inspector.

28-201. Duties generally.

The duties of the building inspector shall be, generally, the inspection of the erection or alteration of buildings, within the city, and the area two miles beyond and adjacent to the corporate limits. All building permits, alteration permits and moving permits shall be inspected and approved by the building inspector. The building inspector shall have such further duties as may, from time to time, be assigned by the Development Services Director and the other sections of this Code.

(Code 1973, 8-5; Ord. No. 1873)

28-202. Enforcement of Building Code.

The building inspector shall be charged with the enforcement of all provisions of the Building Code or other ordinances in connection with the building of buildings, alteration of buildings or the moving of buildings. The building inspector shall file complaints against any person who violates any such provisions and shall request the city attorney to prosecute such complaints.

(Code 1973, 8-6; Ord. No. 1873)

Article III. Permits.

28-301. Building permits.

(1) The building inspector or his duly authorized representative shall have the power to enforce the provisions of this chapter. No building or other structure shall be erected, constructed, reconstructed, moved, nor shall it be altered without first obtaining a building permit from the building inspector, to be issued in accordance with the terms of this chapter.

(2) No such permit shall be issued for any building, structure or construction unless the same be in conformity in every respect with all the provisions of the Hastings City Code.

(3) There shall be a separate permit for each building or structure to be constructed, erected or altered.

(4) A building permit shall be required for awnings on buildings, except that awnings utilized for signage shall not require a building permit, but shall be subject to the sign permit requirements of 34-309 of the Hastings City Code. Awnings extending more than 6 feet from the face of the building shall be designed by a Nebraska licensed engineer or architect.

(5) A permit may be revoked, suspended, or work ordered stopped by the building inspector at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is departure from the plans, specifications, or conditions as required under terms of the permit, or for any other reason set forth in the International Building Code and thereafter no such construction shall proceed.

(6) A permit shall be required for the installation of any mobile home or any manufactured home in a mobile home park. Installation of manufactured homes or mobile homes shall comply with the provisions of Appendix E to the 2012 International Residential Code and the manufacturer's installation instructions. Where there are conflicts between the manufacturer's installation instructions and Appendix E, the more restrictive requirements shall govern.

(7) The minimum building permit fee established in the most recent fee schedule shall be charged at the time of application for a permit to install a mobile home or manufactured home. The applicant shall provide the following information at the time of application:

(A) A site plan indicating the size of the home, the location of utility services, and the location of accessory buildings.

(B) The name and address of the mobile home park and the lot number where the home will be located.

(C) Foundation and anchorage plans and details along with the manufacturer's installation instructions.

(8) The mobile home or manufactured home shall not be occupied until a final inspection has been conducted and a certificate of occupancy is issued for the home. (Code 1973, 40-18; Ord. No. 2255 and 4249-3/2010)

28-302. Application.

Any person intending to construct, improve or repair a building or other structure in the city, and in the area two miles beyond and adjacent to the corporate limits, when the zoning jurisdiction of the City is being exercised therein, shall, before proceeding with such work, or commencing any excavation in connection therewith, file in the office of the building inspector a written application designating the kind of building, or character, or extent of repairs which he intends to erect or make, the materials of which the same is to be composed and the legal description and location of the real estate and the part of the real estate to be occupied by the building or improvement, the probable cost thereof and a detailed description of the type of construction and material to be used therein, including each chimney, smoke stack, flue and fireplace to be erected or constructed therewith, together with any other plans and specifications as may be required by the building inspector, and shall obtain a permit therefor as provided in this article.

(Code 1973, 8-11; Ord. No. 1873, 3440-12/94 and 4249-3/2010)

28-303. Approval; issuance.

Upon the filing of an application for a permit under this article, the building inspector shall make an investigation and if he finds that the proposed work will conform to the statutes of the state and this Code, and other ordinances and regulations of the City, and that no good cause exists why such work should not be done, he shall approve the same and issue a permit for such construction, improvement, or repair.

(Code 1973, 8-12; Ord. Nos. 1873, 2874 and 3440-12/94)

28-304. Fees, initial permit, reinspection and refunds.

(1) Generally. Before issuing any permit for the building of any new building or any alteration or remodeling of any building, the building inspector shall charge and collect a fee according to the schedule set forth in the most recent Council fee resolution.

A permit must be obtained before work is started; a double fee will be charged for any permit issued after work is started.

(2) Reinspection. A reinspection fee may be assessed for each inspection or

reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date and time for which inspection is requested, or for deviating from plans requiring the approval of the Building Inspector.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(3) Refunds. Refunds of permit application fees and building permit fees shall be as follows: Plan review fees shall not be refunded if the plans have been reviewed and the permit is ready to be issued. Building permit fees shall be refunded upon written request from the applicant, at a rate of 80% of the permit fee paid, less the plan review fee and less one hour of the rate of pay for the permit technician and one hour of the rate of pay of the building inspector or plans examiner."

(4) Nonresident Contractor.

In addition to charging and collecting the fees provided for in subsection (1) of this section, the Building Inspector shall require from any nonresident person performing a contract or completing a job within the jurisdiction of the City satisfactory evidence that the applicant is qualified. Such evidence may include, but is not limited to:

(a) A letter of reference from another municipal or State jurisdiction that adopts and enforces a similar building code.

(b) A building contractor's license from another municipal or State jurisdiction that adopts and enforces a similar building code.

(c) Certification as a Building Contractor by an approved certification agency.

Any contractor whose business address is other than this City will be considered a nonresident applicant.

(5) Payment and Disposition of Fees. All fees shall be collected before a permit is issued. All fees shall be paid over to the City Treasurer for the use and purpose of the general fund of the City.

(Code 1973, 8-13; Ord. Nos. 1873, 2096, 2271, 2369, 2463, 2775, 4106-10/2006 and 4249-3/2010)

28-305. Certificate of occupancy.

No change in the character of use or in the occupancy classification of land or of a building shall be made, nor shall any new building be occupied, until a certificate of occupancy has been issued by the Building Inspector, and signed by both the Building Inspector and the Fire Chief.

28-306. Demolition permits.

No building shall be demolished until the owner or the owner's agent has applied for and obtained a demolition permit. The demolition shall be completed on or before the date designated in the permit by the building inspector, which date shall be no more than one hundred eighty (180) days after the date the permit is issued. In the event demolition is not completed within the time designated by the building inspector in the permit, the city may then, on ten (10) days' written notice by certified mail to the applicant and the owner, proceed to complete demolition and utilize all or such part of the bond described hereinafter, as is necessary to complete demolition. Prior to issuance of a demolition permit, the building inspector shall require the applicant to post a cash bond with the city clerk in the amount of \$5000.00, except that residential accessory buildings shall require the posting of a \$500.00 cash bond. Said bond shall be returned to the applicant upon completion of demolition unless demolition is not completed, in which event the bond may be used as described hereinabove to reimburse the city for its costs incurred in connection with completing the demolition. Any unused portion of the bond shall be returned to the applicant. If the amount of the bond is inadequate to cover the costs of demolition, then the owner shall reimburse the city for such costs. In the event the owner fails or refuses to reimburse the city, then the city may proceed to impose a lien upon the subject real estate and collect all sums due in the manner set forth in the Nebraska Construction Lien Act, Neb. Rev. Stat. Section 52-125 et seq. (Reissue 1984). For the purposes of this chapter, demolition shall be deemed to be completed only when the building to be demolished is demolished or removed from the site and all building materials, footings, foundations, and the like are removed from the site so that it is free of debris, all depressions are filled, and the site is leveled to the approximate grade of the area.
(Ord. No. 4249-3/2010)

28-307. Demolition contract.

The building inspector is hereby authorized to enter into an agreement with the owner of the real estate upon which a building is to be demolished. The contract shall be signed by both parties prior to the issuance of the permit. The contract shall be in a form approved by the Hastings city attorney.

Article IV. Moving of Buildings.

Reference: Neb. Rev. Stat. Section 16-210.

28-401. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Building. A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes.

Building Inspector. The Building Inspector of the City. (Code 1973, 8-14; Ord. No. 2096)

28-402. Permit -- Required.

No person shall move any building over, along or across any highway, street or alley in the City without first obtaining a permit from the Building Inspector. No such permit shall be issued until a fee has been paid as hereinafter set forth, nor until the owner of the real estate to which the building is to be moved has executed a written agreement to bring the building into compliance with the provisions of the Hastings City Code for new buildings or structures. Said agreement shall be in a form approved by the Hastings city attorney. The city building inspector is hereby authorized to execute such agreement on behalf of the City of Hastings without prior approval of the Mayor and Council.

(Code 1973, 8-15; Ord. No. 2096)

28-403. Same -- Application; fee.

(1) A person seeking issuance of a permit under this article shall file an application for such permit with the building inspector.

(a) **Form.** The application shall be made in writing, upon forms provided by the building inspector, and shall be filed in the office of the building inspector.

(b) **Contents.** The application shall set forth:

(i) A description of the building proposed to be moved.

(ii) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the city.

(iii) A legal description of the lot to which it is proposed such building be removed, giving lot, block and tract number, if located in the city.

(iv) The highways, streets and alleys over, along or across which the building is proposed to be moved.

(v) Proposed moving date and hours.

(vi) Any additional information which the building inspector shall find necessary to a fair determination of whether a permit should issue.

(2) The application shall be accompanied by a permit fee in the amount set out in Section 28-404. (Code 1973, 8-16; Ord. No. 2096)

28-404. Permit -- Fees.

The fee for moving any building shall be as set forth in the most recent Council fee resolution. (Code 1973, 8-17; Ord. No. 2551)

28-405. Same -- Grounds for denial.

The building inspector shall refuse to issue a permit if he finds:

(1) That any application requirements or any fee or deposit requirement has not been complied with.

(2) That the building is too large to move without endangering persons or property in the city.

(3) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city.

(4) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city.

(5) That the applicant's equipment is unsafe and that persons and property would be endangered by its use. (6) That zoning or other ordinances would be violated by the building in its new location.

(7) That for any other reason persons or property in the city would be endangered by the moving of the building. (Code 1973, 8-18; Ord. No. 2096)

28-406. Same -- Disposition of fees, bonds, etc.

(1) The building inspector shall deposit all fees and deposits, and all bonds or insurance policies with the city treasurer.

(2) Upon his refusal to issue a permit the building inspector shall return to the applicant all deposits, bonds and insurance policies. Permit fees filed with the application shall not be returned.

(Code 1973, 8-19; Ord. No. 2096)

28-407. Bond or insurance.

Every person applying for a permit to move a building shall file in the office of the City Clerk a certificate of insurance in favor of the City of Hastings providing bodily injury and property damage liability insurance coverage with limits of at least \$500,000.00. In cases of small buildings or garages or buildings not longer than twelve feet by twenty feet (12' X 20'), and not exceeding seventeen feet (17') in height when loaded, the person may post a good and sufficient bond in the sum of \$2,000.00 cash or cashier's check, as an indemnity for any damage which the City may sustain.

(Code 1973, 8-20; Ord. No. 2096)

28-408. Approval of routing and time of moving.

It shall be the duty of the person desiring to move a building to obtain a written approval from the electrical superintendent of the city utilities department, the chief of police and the chief of the fire department, as to the routing and time of moving.

(Code 1973, 8-21; Ord. No. 2096)

28-409. Inspection of building and moving equipment.

The building inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance for a permit are met.

(Code 1973, 8-22; Ord. No. 2096)

28-410. Duties of permittee.

Every permittee under this article shall:

(1) Move a building only over streets designated for such use in the written permit.

(2) Notify the building inspector in writing of a desired change in moving date and hours as proposed in the application.

(3) Notify the building inspector in writing of any and all damage done to any property within twenty-four hours after the damage or injury has occurred.

(4) Remove the building from the city streets after sunset, unless an extension is granted by the building inspector and chief of police.

(5) Comply with the Building Code, the Zoning Ordinance and all other applicable ordinances and laws.

(6) Pay the expense of a traffic officer ordered by the building inspector to accompany the movement of the building to protect the public from injury. (Code 1973, 8-23; Ord. No. 2096)

Article V. Unsafe Buildings.

Reference: As to nuisances generally, see Section 18-118 of this Code.

28-501. Abatement of dangerous buildings.

Repealed.

(Code 1973, 8-24; Ord. Nos. 2631, 2874, 3011-4/87, 3155-1/90 3440-12/94)

Article VI. Board of Appeals.

28-601. Board of Appeals; purpose and intent.

It is the intent of the Mayor and City Council that all provisions pertaining to the creation and the powers of the City's Board of Appeals shall be set forth in this Article of the Hastings City Code. Therefore, to the extent that any other provision of the Hastings City Code or any standard building and construction code adopted by the City of Hastings, including but not limited to, the International Building Code, International Fire Code, International Residential Code, International Mechanical Code, International Energy Conservation Code, International Existing Building Code, Property Maintenance Code, and International Urban-Wildland Interface Code (all of which shall be collectively referred to in this Article as the "City Building and Construction Codes"), which in any way limit the powers of the Board of Appeals as set forth in this Article, are hereby expressly repealed. It is the intent of the Mayor and City Council that future provisions in the City Building and Construction Codes which limit the powers of the Board of Appeals as set forth in this Article shall not apply, unless specifically set forth in this Article. (Code 1973, 8-27; Ord. Nos. 2631 and 3255-3/92)

28-602. Board of Appeals; created.

The Board of Appeals is hereby established consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the City of Hastings. The members of the Board of Appeals shall be appointed by the Mayor and confirmed by a majority of all council members. Members of the Board of Appeals shall serve a term of five years with the initial appointees serving terms of one year, two years, three years, four years and five years, as designated by the Mayor. The Board of Appeals shall elect one of its members as Chair and another as Vice Chair with the Building Official and Fire Chief to be ex officio members of the Board. The Building Official shall act as secretary of the Board. At least three members must be present at any meeting at which business is conducted. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing. Matters may be

brought to the Board only by appeal from a decision of the Building Official or Fire Chief. Any reference in this article to the Building Official or Fire Chief shall also apply to any person designated to act in place of either or both of them.
(Ord. No. 3255-3/92)

28-603. Board of Appeals; powers.

The Board of Appeals shall have the following powers with respect to new and existing structures:

(1) The Board shall hear and decide appeals of orders, decisions or determinations made by the Building Official or the Fire Chief relative to the application and interpretation of the City's Building and Construction Codes.

(2) The Board may approve and authorize the use of alternate materials and methods of construction, provided it finds that the proposed design is satisfactory and complies with the provisions of the applicable code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the applicable code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The Board shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

(3) The Board may provide reasonable interpretation of the City's Building and Construction Codes.

(4) Whenever there are practical difficulties involved in carrying out the provisions of the City's Building and Construction Codes, the Board may grant modifications for individual cases, provided it shall first find that a special individual reason makes the strict letter of the codes impractical and that the modification is in conformity with the intent and purpose of the codes.

(5) Recommend to the City Council such new legislation as is consistent with the City's Building and Construction Codes.

The decision of the Board of Appeals shall supersede any action of the Building Official or Fire Chief. (Ord. No. 3255-3/92)

SECTION 2. That all other ordinances or provisions in conflict with this ordinance are hereby repealed.

SECTION 3. Nothing in this ordinance or in the 2012 International Building Code, 2012 International Residential Code, 2012 International Mechanical Code, 2012 International Existing Building Code, 2009 International Energy Conservation Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or

existing, under any act or ordinance hereby repealed as cited in Section 8 in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 4. The provisions of this ordinance are separable and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 5. This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form, said effective date being 24TH day of JUNE, 2015, and this ordinance shall be included in the Hastings City Code Book.

PASSED and APPROVED this 8TH day of JUNE, 2015.


Mayor

(SEAL)


City Clerk

(SEAL)



Approved as to form:


City Attorney