

## **CHAPTER VIII            BUILDING    REGULATIONS**

### **ARTICLE I - MOBILE HOME PARKS**

#### **SECTION 8-101:    DEFINITIONS**

Whenever used in this chapter, the following words shall have the meaning indicated, unless the context clearly indicates otherwise:

"Building size" shall mean the outside measurements    of the mobile home excluding the trailer hitch and tongue.

"Mobile home" shall mean a detached single-family dwelling unit with all of the following characteristics:

1.    Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
2.    Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
3.    Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

"Mobile home park" shall mean any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the use of supplying a location or accommodation for two or more mobile homes, and upon which such mobile homes are parked permanently or temporarily, and shall include all buildings and utilities used or intended for use as part of the equipment thereof, whether a charge is made for the use of the trailer park and its facilities or not. "Mobile home park" shall not include travel trailer parks or trailer sales lots.

"Travel trailer" shall mean a vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses, which:

1.    Is identified on the unit by the manufacturer as a travel trailer; and

2. Is not more than eight feet in body width; and
3. Can operate independent of connections to external sewer, water and electrical systems; and
4. Does not include automobiles, trucks or buses adapted for vacation use but not identified by the manufacturers as travel trailers.

"Travel trailer campground" shall mean any plat or ground on which a camper, travel trailer, motor home or tent is located for short-term occupancy regardless of whether or not a charge is made for such accommodation. However, such definition shall not include the premises of one who stores thereon a single trailer of which he/she is the owner.

#### SECTION 8-102: ADMINISTRATION; RIGHT OF ENTRY FOR INSPECTION

The administration and enforcement of this article shall be under the supervision and jurisdiction of the building inspector.

The building inspector shall have the right and is hereby empowered to enter upon any premises on which any mobile homes, travel trailers or campers are or about to be located and inspect the same and all accommodations connected therewith at any reasonable time.

#### SECTION 8-103: LOCATION OUTSIDE PARKS

No person shall park or occupy any mobile home, travel trailer or camping type of vehicle on the premises of any occupied dwelling, or on any other type of lot situated outside an approved mobile home park or travel trailer campground, except that the parking of only one unoccupied travel trailer in an accessory private garage building or in a rear yard in any district is permitted providing no living quarters shall be maintained or any business practiced in the travel trailer while so parked or stored. Temporary parking of an occupied or unoccupied travel trailer for a period not to exceed seven consecutive days is permitted on private property.

#### SECTION 8-104: LICENSE; APPLICATION AND ISSUANCE

It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him/her, a mobile home park or travel trailer campground within the limits of the City without having first secured a license for each of them from the City granted and existing in compliance with the terms of this article. All licenses shall expire on the first day of January of each year, but may be renewed under the provisions of this chapter for additional periods of one year. Each application for a license shall include a showing that the applicant's premises comply with this article or any amendment of the same. A license fee of \$50.00 or \$1.00 for each mobile home lot, whichever is greater, shall accompany each application for a license or the renewal of an existing license.

Mobile home parks in existence at the time of adoption may be granted a limited license annually without complying with all the restrictions and requirements imposed by this article. However, all new mobile home parks or additions to existing mobile home parks must comply with all restrictions and requirements imposed by this article or any amendment of the same.

In no case shall any mobile home be moved into any mobile home park that does not have a mobile home license or onto an existing mobile home lot which does not comply with the area and yard requirements of this article.

Periodic inspections shall be made or caused to be made by the building official to ensure compliance with the provisions of this article. Those mobile home parks having deficiencies shall be notified of the deficiencies and allowed thirty (30) days in which to correct them. At the end of the thirty-day period, the building official determine if the deficiencies have been corrected; and if they remain uncorrected, he shall suspend the license of the mobile home park. If such license has been suspended and at a later date the corrections are made, the mobile home park must make reapplication for a license and pay the fifty dollar (\$50.00) fee. Periodic inspections of those mobile home parks shall include a list of the deficiencies and the compliance date required.

#### SECTION 8-105: MINIMUM STANDARDS; INSPECTION FEE

Mobile homes placed within the corporate limits of the City shall be well maintained and have no unsightly appearances. Whenever a mobile home, used or intended to be used for dwelling purposes, is determined by the building inspector not to meet minimum health, safety, and appearance standards because of: inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, such mobile home shall

be repaired to city specifications before occupancy or removed from the City.

Each mobile home moved onto a mobile home park lot shall be inspected by the building inspector and a \$5.00 non-refundable inspection fee paid by the mobile home owner to the city clerk prior to utility hook-up and occupancy of the mobile home. Such inspection shall insure compliance with the provisions of this article. Licenses issued under the terms of this article convey no right to erect any building, and are not transferable.

#### SECTION 8-106: PLAN

The applicant for a mobile home park license shall submit with his/her application a plan of construction within the proposed park adhering to and observing the space limitation and requirements hereinafter prescribed. Within a mobile home park, the following space regulations and other requirements shall apply:

Area requirements:

1. Minimum lot area shall be 4000 square feet.
2. Minimum lot width at building line shall be 40 feet by 100 feet.
3. Minimum space between mobile homes shall be ten feet if a one-hour fire resistive wall eight feet in height is constructed on the lot line between the front yard and rear yard lines. In the absence of such a wall, the minimum space between mobile homes shall be 20 feet.
4. Maximum projection of an attached structure to one side shall be five feet, and a carport may be attached; said projections shall not be included in side yard measurements. Any projection other than the two above specified shall be counted in determining side yard requirements.
5. Side yards and rear yards for the mobile home park shall be at least 20 feet, except that when adjacent to other mobile home parks or campgrounds or to zones other than R-1 and R-2, the side and rear yards shall be at least ten feet.
6. Front yards of 25 feet shall be provided on dedicated streets measured from the lot line, or 15 feet on private streets measured from the edge of the roadway or back of curb.
7. In no case shall any mobile home occupy more than one-third of the total area of

any lot.

8. The maximum building site of each mobile home shall be shown on the park plan for each mobile home lot.

#### SECTION 8-107: STREET AND ACCESS REQUIREMENTS

1. Minimum roadway widths within a mobile home park shall be 32 feet and streets must be hardsurfaced in accordance with minimum requirements established by the City.

2. For mobile home parks with private streets, all mobile home spaces shall abut upon hard-surfaced streets. Surfacing shall be Portland Cement concrete or asphaltic concrete. Completion of surfacing shall be within one year of the first occupancy.

3. All dead-end streets shall terminate in an open space having a 60 foot minimum diameter. No dead-end street shall exceed 500 feet in length.

4. Streetlights of 175 watt luminaires at 150 feet maximum spacing shall be provided for the safe movement of pedestrians and vehicles at night.

5. Exterior sidewalks and sidewalks along public streets shall comply with the requirements of the ordinances of the City pertaining to public sidewalks.

6. Every mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

7. Car parking areas shall be provided at the rate of at least two car spaces for each mobile home lot, and at least one of the spaces shall be located on the lot. In no case shall parking be permitted on interior drives within 25 feet of public streets or any intersections.

8. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

9. Each mobile home space shall be provided with a hardstand of sufficient size and depth to adequately accommodate a mobile home.

10. Within any mobile home park, both new and existing, anchors such as deadmen, screw augers or arrowhead anchors approved by the building inspector shall be provided and installed by the owner of each mobile home or by the owner of the park. Failure to anchor all units shall result in loss of license.

11. Within any mobile home park, both new and existing, each lot in the mobile home park shall be identified by a clearly visible number at least three inches in height.

#### SECTION 8-108: WATER SUPPLY AND SANITARY SEWER

Within any mobile home park the following regulations applicable to water supply and sanitary waste removal shall be observed:

1. All units in any mobile home park shall be individually served by an adequate supply of pure water furnished through a private pipe distribution system within the park which is connected directly with the city water system.

2. All units in any mobile home park shall be equipped with flush-type toilets and be connected to the city sewer system.

#### SECTION 8-109: REFUSE DISPOSAL

Within any mobile home park the following regulations relating to the collection and disposal of solid and semisolid waste shall be observed:

1. The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

2. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

3. All refuse shall be collected in accordance with existing ordinances. Where suitable collection service is not available, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

#### SECTION 8-110: SKIRTING OF MOBILE HOMES REQUIRED

Every mobile home owner shall cause such home to be skirted with material approved by the building inspector after placement of the home. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.

#### SECTION 8-111: ADDITIONS TO MOBILE HOMES

No additions shall be built onto or become a part of any mobile home unless approved by the building inspector.

#### SECTION 8-112: DUTY OF OWNER AND ATTENDANT REGARDING LICENSES

It is hereby made the duty of the attendant or person in charge, together with the licensee, to:

1. Keep at all times the register of all occupants as hereinbefore provided.
2. Maintain the park in a clean, orderly and sanitary condition at all times.
3. Cut and control all noxious weeds.
4. Post speed limit signs meeting the specifications of the city engineer at the entrances of the park, restricting motor vehicle traffic to not more than 15 miles per hour.
5. Notify the building inspector whenever a space is vacated.
6. Notify the building inspector before a mobile home is placed in a new or vacated space.
7. Cap all sewers not connected to a mobile home trailer.
8. See that the provision of this article and all other applicable laws and ordinances are complied with.

#### SECTION 8-113: UNLAWFUL OCCUPANCY

It shall be unlawful and a violation of this article for any person to occupy for residential purposes or for the purpose of a home occupation any mobile home which is not so located, maintained or equipped as to fully comply with the provisions and requirements of this article.

#### SECTION 8-114: MOBILE HOME PLACEMENT PERMIT

The mobile home court owner shall submit a permit application to the building inspector before a mobile home is allowed to be placed in a new or vacated space in the owner's court. Such permit shall include the mobile home owner's name, mobile home make/model/size, date and time of anticipated arrival, and the court lot location assigned.

### ARTICLE II - BUILDING CODES

#### SECTION 8-201: BUILDING INSPECTOR

There is hereby created the office of building inspector, who may be the city engineer or such other person as the Mayor may appoint.

#### SECTION 8-202: UNIFORM BUILDING CODE ADOPTED

There is hereby adopted by the City for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, Chapter Four, Foundations of the latest edition of that certain building code known as the International Residential Code for One and Two Family Dwellings, published by the International Code Council, Inc. of which not less than two copies have been and are now filed in the office of the city building inspector, and the same is hereby adopted and incorporated as fully as if set out at length herein. All of the provisions of said code chapter shall be the controlling rules and regulations in the construction of all residential buildings and other structures within the City.

#### SECTION 8-203: UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; ADOPTED

There is hereby adopted by the City that certain code known as the Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials, 1991 edition, of which not less than two copies have been and are now filed in the office of the city building inspector, and the same is hereby adopted and incorporated as fully as if set out at length herein. The provisions of said code shall be the controlling rules and regulations in the abatement of all dangerous buildings within the City.

The purpose of this code is to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available bylaw, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

#### SECTION 8-204: BATH FACULTIES

Every newly constructed dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

#### SECTION 8-205: MEANS OF EGRESS

A safe, continuous and unobstructed path of travel shall be provided from all habitable rooms to the public way. Emergency escape openings shall be operational from the inside of the room without the use of keys or tools. Bars, grills, grates, or similar devices are permitted to be placed over emergency escape openings provided the minimum net clear opening size complies with the International Building Code and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bar, grill, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed.

#### SECTION 8-206: HEATING FACILITIES

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet these requirements.

#### SECTION 8-207: CONFLICT OF LAWS

In case of conflict between the provisions of the Uniform Building Code and this article, or provisions of this Code, or with statutes of this state, the provisions of this Code, or state law shall prevail.

#### SECTION 8-208: RESPONSIBILITY OF THE CITY

The City shall not be held, by reason of this chapter, as assuming any liability for damages to persons or property by reason of inspections authorized herein, or by reason of the approval or disapproval of any equipment authorized herein, or by virtue of any other requirement, rule or regulation herein set forth.

#### SECTION 8-209: NUMBERING OF BUILDINGS

1. It is hereby made the duty of every person owning or occupying any house or other building now in existence or which may be hereafter constructed in the City, fronting or abutting upon any street or avenue therein, to place or affix upon the door or the front of said building in plain, painted, printed or metallic numerals of not less than three inches in height the proper number assigned to such house or other building, as hereinafter provided, and thereafter keep or maintain the number so placed or affixed so that the same will at all times be visible and legible by persons in the street immediately in front of such house or building.

2. The correct number of any house or building shall be determined by the city building inspector. In case any house or building is incorrectly numbered, the city building inspector may order the owner or occupant thereof to correctly number the same, and it shall be unlawful for such owner or occupant to refuse to comply with such order. The building address number of any structure and the number of each individual apartment or suite in any structure hereafter erected shall be determined by the city building inspector, according to approved policies, and shall be indicated on the building permit.

#### SECTION 8-210: IMPLEMENTATION OF BUILDING STANDARDS WITHIN THE ONE-MILE ZONING JURISDICTION OF

## THE CITY

The City shall hereby implement all of the building regulations currently in effect within this article relating to the erection, construction, alteration, repair, maintenance, placing or using of any building within the City's one-mile zoning jurisdiction.

### SECTION 8-211: BUILDING PERMIT FEES

The fee schedule for building and building moving permits shall be established by the City Council. The current fee schedule will be maintained by both the building inspector and city clerk. Building Permit fees shall be capped at \$2,000 per permit.

### SECTION 8-212: VIOLATION; PENALTY

Any person or persons found violating any provision of this article of the Municipal Code shall be subject to a fine not to exceed \$200.00. The continuation of a violation of any part of this article shall be deemed an additional crime for every 24 hours of such continued violation. In addition, the City may obtain injunctive relief, sue for damages and rededication, and pursue any other remedy available to it under the laws of the State of Nebraska or other authority having jurisdiction over such matters.

ARTICLE III - MINIMUM LIGHTING AND THERMAL EFFICIENCY  
STANDARDS FOR BUILDINGS

SECTION 8-301: LIGHTING AND THERMAL EFFICIENCY STANDARDS;  
NEED

The City of Central City finds that there is a present and continuing need to provide for the development and implementation of minimum lighting and thermal efficiency standards for buildings to insure coordination with federal policy under the Energy Conservation Standards for New Buildings Act of 1976, to promote the conservation of dwindling energy resources and to provide for the public health, safety and welfare.

SECTION 8-302: TERMS DEFINED

As used in this article, unless the context otherwise requires, the following definitions shall apply:

"Prime contractor" shall mean the person, persons, entity or entities who has a contract with the owner and is the one responsible for the overall construction of

any building or the installation of any component which affects the energy efficiency of the building. Prime contractor shall also mean a property owner who performs the work of a prime contractor.

"Architect" or "engineer" shall mean any person registered pursuant to Section 81-847, R.R.S. Neb. 1943.

"Building" shall mean any structure which utilizes or will utilize a heating system, cooling system or domestic hot water system, including new or renovated buildings and additions, but not including any structure which has a consumption of traditional energy sources for all purposes not exceeding the energy equivalent of one watt per square foot.

"Residential building" shall mean a building three stories or less that is used primarily as one or more dwelling units.

"Renovation" shall mean alterations on an existing building which will cost more than 50% of the replacement cost of such building at the time work is commenced, or which was not previously heated or cooled for which a heating or cooling system is now proposed, except that the restoration of historic buildings shall not be included.

"Addition" shall mean any construction added to an existing building which will increase the floor area of that building by five percent or more.

"Floor area" shall mean the total area of a building, expressed in square feet, which is within the exterior face of the shell of the structure that is heated or cooled.

"Standard" shall mean Standard 90-75 of the American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc., as it existed on April 23, 1980.

"Traditional energy sources" shall mean electricity, petroleum-based fuels, uranium, coal and all nonrenewable forms of energy.

#### SECTION 8-303: STANDARD; APPLICABILITY

The new standard shall apply to:

1. New residential buildings on which construction is initiated on or after April 1, 1981, and

2. All other new buildings, or renovations of or additions to any existing buildings, on which construction is initiated on or after January 1, 1982.

#### SECTION 8-304: EXEMPTIONS

The following shall be exempt from this act:

1. Any building which has a peak design rate of energy usage for all purposes of less than one watt, or three and four-tenths British Thermal Units per hour, per square foot of floor area.
2. Any building which is neither heated or cooled.
3. Any building or portion thereof which is owned by the United States of America.
4. Any mobile home as defined by Section 71-4603, R.R.S. Neb. 1943.
5. Any manufactured housing unit as defined by Section (1) of Section 71-1557, R.R.S. Neb. 1943.
6. Any building listed on the National Register of Historic Places.
7. All residential buildings shall be exempt only from lighting efficiency standards.

#### SECTION 8-305: REQUEST FOR ALTERNATIVE BUILDING SYSTEM; APPROVAL

Any person who owns or constructs a building to which this article applies may request that an alternative building system, technique, equipment design or building material be found equivalent to the Standard.

The building inspector shall make such determination if he/she finds that the proposed alternative would not result in energy consumption greater than would result from the strict application of the Standard. If the building inspector fails to approve or disapprove the request within 60 days from the date of filing, it shall be considered approved.

#### SECTION 8-306: INSPECTIONS; INVESTIGATIONS

The building inspector or any person designated by him/her shall conduct inspections and investigations necessary to enforce the Standard and may, at reasonable hours, enter into any building and upon any premises within its jurisdiction for the purpose of examination to determine compliance with this article. Inspections shall be conducted only after permission has been granted by the owner or occupant, or after a warrant has been issued pursuant to Sections 29-830 to 29-835, R.R.S. Neb. 1943.

During construction, the building inspector or person designated shall make periodic inspections to assure compliance with this article.

#### SECTION 8-307: BUILDING PLANS; SUBMISSION FOR APPROVAL

Prior to the construction of, renovation of, or addition to any building covered by this article, the prime contractor shall file sufficient plans and specifications with the building inspector to enable him/her to make a determination whether such building will comply with the Standard. The building inspector shall, within 30 days of the filing, approve or disapprove the plans and specifications. If disapproved, the reasons shall be set forth in writing to the prime contractor.

If the building inspector determines that such construction, renovation or addition will comply with the Standard, he/she shall issue a written permit which the prime contractor shall display in a conspicuous place on the premises where construction work is to be done. No construction, renovation or addition shall commence until a permit is issued and displayed as required by this section.

#### SECTION 8-308: FEES

The person filing the application for a permit shall, at the time of such filing, pay to the City the sum of \$25.00 for residential buildings and \$0.01 per gross square foot for any other building.

#### SECTION 8-309: WHEN ARCHITECT OR ENGINEER IS RETAINED

If an architect or engineer is retained, the architect or engineer shall place his/her state registration seal on all construction drawings, which shall indicate that the design meets the Standard. The prime contractor shall certify that he/she will

build in accordance with the construction documents prepared by the architect or engineer. This certification must accompany the building plans submitted to the chief building inspector for approval.

#### SECTION 8-310: VIOLATION; PENALTY; ENFORCEMENT

Any person violating any provision of this article shall be subject to a maximum sentence of three months imprisonment or \$500.00 fine, or both. In addition, the City may, by an action in the District Court, enforce the provisions of this ordinance through equity and injunctive processes.

#### SECTION 8-311: VALIDITY

If any section in this article or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portion thereof.

## ARTICLE IV - MOVING BUILDINGS

### SECTION 8-401: PERMIT REQUIRED

Before moving a building or structure occupying 100 or more square feet from one lot to another inside the corporate limits of the City or before moving a building or structure from outside of the City into the corporate limits, a moving permit must be procured from the City Council. The applicant for the permit shall submit the application to the city clerk on a form provided by him/her, along with an application fee of \$5.00. The applicant shall include with the application the following:

1. Sufficient information to show that zoning requirements will be met.
2. Photographs showing all four sides of the structure, with a drawing showing the dimensions and legal description of the lot to which the building or structure is to be moved.
3. A statement showing repairs and alterations to be made on the building and the time of expected completion of the same.

4. A statement that the building or structure is to be set on a permanent foundation.
5. A certificate from the county treasurer showing that all taxes and special assessments then due on the building and the lot on which it stands have been paid.
6. If the City Council deems it necessary, a bond in the sum of \$1,000.00 shall be issued by a responsible surety company conditioned upon strict compliance with this article; provided that said applicant shall hold harmless the City from all liability, judgments, costs and expense which may accrue against it in consequence of issuing said permit; that applicant will pay to the City any and all damages which may be sustained by any pavement, curb, gutter, sidewalk, street, crosswalk or other property through the conduct of such moving operation by applicant; and that applicant will also pay to the owner any and all damages caused in a like manner to any private property in the City.
7. Any other information which the City Council may require.

#### SECTION 8-402: PERMIT; ROUTE SPECIFIED

Upon compliance with the requirements set out in the preceding section, the City Council shall issue a permit which shall limit the time of removal and shall specify the route to be followed in moving said building over and across the streets and ways of the City, and it shall be unlawful for any applicant to digress from such specified route without the written consent of the chief of police. In prescribing the route to be followed, the City Council shall prescribe such route as will least interfere with the wires of the electrical system and other public service companies. Applicant shall give notice to the police chief of the hour when such moving will actually begin.

#### SECTION 8-403: NOTICE TO PUBLIC SERVICE COMPANIES

Whenever it shall be necessary for any applicant in moving a building to interfere with any electric or telephone poles or wires, the public service company or companies owning, using or operating such poles or wires shall, upon such notice as is provided in their respective franchises, or if no provision for notice is made therein, then upon 48 hours notice, be present and assist, or if necessary, remove such poles and wires; and the expense of said removal, as estimated, shall be paid

in advance by applicant, unless it is otherwise provided in said companies' franchises.

#### SECTION 8-404: PROHIBITED BUILDINGS OR STRUCTURES

No building or structure shall be moved from one location to another or from outside the corporate limits of the City into the City if the same is in such a decayed or dilapidated condition that its value is less than 50% of the cost of a similar new building or structure.

#### SECTION 8-405: BARRICADES

It shall be the duty of the owner, tenant or lessee causing the construction, demolition or moving of any building or improvement within the City to have all excavations, open basements, building materials and debris protected by suitable guards or barricades during such work. The failure, neglect or refusal of said persons to erect such guards shall constitute a violation of this ordinance and the city police shall stop all work until guards are erected and maintained as required.

## ARTICLE V - FLOODWAY DISTRICTS

### SECTION 8-501: DEFINITIONS

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application.

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

"Channel" shall mean a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.

"Development" shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Flood" shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood elevation determinations" shall mean a determination of the water surface elevation of the 100-year flood; that is, the level of flooding that has a 1% chance of occurrence in any given year.

"Flood insurance rate map" shall mean the official map of the City on which the Flood Insurance Study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Insurance

Administration. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

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

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

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

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

"Floodway fringe" shall mean that area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a 1% chance of flood occurrence in any one year).

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

"Mobile home" shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

"Mobile home park or subdivision" shall mean a parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale.

"New construction" shall mean those structures where new construction or substantial improvement of which is begun after December 31, 1974, or the effective date of the FIRM, whichever is later.

"Overlay district" shall mean a district which acts in conjunction with the underlying zoning district or districts.

"Regulatory flood elevation" shall mean the water surface elevation of the 100-year flood.

"Regulatory flood protection elevation" shall mean an elevation one foot higher than the water surface elevation of the regulatory flood.

"Structure" shall mean a walled and roofed building, as well as a gas or liquid storage tank, that is principally above ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes and other similar uses.

"Substantial improvement" shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (A) before the improvement is started, or (B) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations, as well as structures listed in national or state registers of historic places.

"One hundred-year flood" shall mean the condition of flooding having a one percent chance of annual occurrence.

#### SECTION 8-502: FINDINGS OF FACT

1. Flood Losses Resulting from Periodic Inundation. The flood hazard areas of Central City, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. General Causes of These Flood Losses. These flood losses are caused by (a) the cumulative effect of obstruction in floodways causing increases in flood heights and velocities and (b) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.

3. Methods Used to Analyze Flood Hazards. This article uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

A. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this article is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this article. It is in the general order of a flood which could be expected to have a 1% chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated May 14, 1979, as amended.

B. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

C. Computation of the floodway required to convey this flood without increasing flood heights more than one foot at any point.

D. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.

E. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

SECTION 8-503: STATEMENT OF PURPOSE

It is the purpose of this article to promote the public health, safety and general welfare and to minimize those losses described in Section 8-502 by applying the provisions of this article to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or which cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

#### SECTION 8-504: APPLICABLE LANDS

This article shall apply to all lands within the jurisdiction of the City of Central City identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones and within the zoning districts FW and FF established in Section 8-514 of this article. In all areas covered by this article, no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under such safeguards and restriction as the Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the City and where specifically noted in Section 8-515 through Section 8-518.

#### SECTION 8-505: ENFORCEMENT OFFICER; DUTIES

The zoning administrator of the City is hereby designated as the Council's duly designated enforcement officer under this article, to administer and implement the provisions of this article.

Duties of the zoning administrator shall include, but not be limited to:

1. Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this article have been satisfied.
2. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from

which prior approval is required.

3. Notify adjacent communities and the State of Nebraska prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
5. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
7. When floodproofing is utilized for a particular structure, the zoning administrator shall be presented certification from a registered professional engineer or architect.

#### SECTION 8-506: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

#### SECTION 8-507: COMPLIANCE

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

#### SECTION 8-508: ABROGATION AND GREATER RESTRICTIONS

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

#### SECTION 8-509: INTERPRETATION

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

#### SECTION 8-510: WARNING AND DISCLAIMER OF LIABILITY

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

#### SECTION 8-511: SEVERABILITY

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

#### SECTION 8-512: APPEAL

Where a request for a permit to develop or a variance is denied by the zoning administrator, the applicant may apply for such permit or variance directly to the Board of Zoning Appeals. The Board may grant or deny such request by appropriate resolution adopted within 30 days after the date of such application to the Board.

#### SECTION 8-513: DEVELOPMENT PERMITS REQUIRED; APPLICATION FOR

No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Be accompanied by plans and specifications for proposed construction;
5. Be signed by the permittee or his/her authorized agent, who may be required to submit evidence to indicate such authority;
6. Give such other information as reasonably may be required by the zoning administrator.

#### SECTION 8-514: ESTABLISHMENT OF ZONING DISTRICTS

The mapped flood plain areas within the jurisdiction of this article are hereby divided into the two following districts: a floodway overlay district (FW) and a floodway fringe overlay district (FF) identified in the Flood Insurance Study (Flood Boundary and Floodway Maps). Within these districts, all uses not meeting the standards of this article and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Insurance Administration.

#### SECTION 8-515: STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT

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

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

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

A. Design or anchorage to prevent flotation, collapse or lateral movement due to flooding.

B. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination.

C. New development and substantial improvements to: i) use construction materials and utility equipment that are resistant to flood damage, and ii) use construction methods and practices that will minimize flood damage, consistent with economic practicability.

4. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.

5. That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference.

6. Storage of Material and Equipment.

A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

B. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

7. Subdivision proposals and other proposed new development be required to assure that A) all such proposals are consistent with the need to minimize flood damage, B) all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage, C) adequate drainage is provided so as to reduce exposure to flood hazards, and D) proposals for development of five acres or 50 lots, whichever is lesser, include within such proposals the regulatory flood elevation.

SECTION 8-516: FLOODWAY FRINGE OVERLAY DISTRICT;  
PERMITTED USES

Any use permitted in Section 8-518 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 8-515 are met.

SECTION 8-517: FLOODWAY FRINGE OVERLAY DISTRICT; STANDARDS

1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above the regulatory flood elevation.

2. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above the regulatory flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed up to that level.

3. Within Zones AO all new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the official FIRM.

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

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

A. Specific anchoring standards be met:

i) Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations, and mobile homes less than 50 feet long requiring one additional tie per side.

ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side.

iii) All components of the anchoring system be capable of carrying a force of 4800 pounds.

iv) Any additions to mobile homes be similarly anchored.

B. Stands or lots are elevated on compacted fill or piers so that the lowest floor of the structure will be at or above the regulatory flood elevation.

C. Adequate surface drainage and easy access for a hauler is provided.

D. In the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than 10 feet apart and

steel reinforcement is provided for piers more than six feet high.

#### SECTION 8-518: FLOODWAY OVERLAY DISTRICT; PERMITTED USES

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the floodway district to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of Sections 8-515 through 8-517.

1. Agricultural uses such as general farming, pasture, nurseries, forestry.
2. Residential uses such as lawns, gardens, parking and play areas.
3. Non-residential areas such as loading areas, parking, airport landing strips.
4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves. Placement of mobile homes is prohibited in the floodway, except in existing mobile home parks and existing mobile home subdivisions.

#### SECTION 8-519: VARIANCE

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

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

Variations shall not be issued except upon A) showing of good and sufficient cause, B) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and C) a determination that the variance issuance will

not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local or state laws or ordinances.

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

The City will notify the applicant that the issuance of a variance to locate a structure at an elevation below the 100-year flood level will result in increased actuarial rates for flood insurance coverage. The applicant will provide written and notarized acknowledgment of such notification.

#### SECTION 8-520: NONCONFORMING USE

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

1. No such use or substantial improvement of that use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
2. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this article. The utility department shall notify the zoning administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

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

#### SECTION 8-521: VIOLATION, PENALTIES

Violation of the provisions of this article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than that amount allowed by Nebraska law for violation of a municipal code, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the zoning administrator or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

#### SECTION 8-522: AMENDMENTS

The regulations, restrictions and boundaries set forth in this article may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. The regulations of this article are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976.

## ARTICLE VI - PENAL PROVISION

### SECTION 8-601: PENAL PROVISION

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed that permitted by Nebraska law for the violation of a municipal ordinance.