

CHAPTER IX BUILDING REGULATIONS

ARTICLE I - INTERNATIONAL BUILDING CODES

SECTION 9-101 ADOPTION OF CODES

The current editions, and the latest additions published hereafter, of the following building codes are hereby adopted by the City of Plattsmouth, Nebraska for all construction within the City and its zoning jurisdiction:

(1) The International Building Code (IBC), 2000 edition, published by the International Code Council, and all incorporated codes including:

International Electrical Code;
International Mechanical Code;
International Plumbing Code;
International Fuel Gas Code;
International Fire Code;
International Private Sewage Disposal Code; and
International Property Maintenance Code.

(2) The International Residential Code (IRC), 2000 edition, published by the International Code Council; and

(3) The International Existing Building Code, 2009 Edition, published by the International Code Council;

Whenever a new edition of a code adopted above is published, such new edition shall be considered the applicable building code.

SECTION 9-102: ENFORCEMENT

Hereafter all city officials shall be governed by the provisions of the above codes and no building permit shall be issued nor construction approved unless such building permit and construction conforms to such codes.

SECTION 9-103: VIOLATION OF BUILDING CODES

Any violation of the building codes adopted shall result in the immediate disconnection of all utilities from any building or structure not conforming to the code provisions, and the construction of any building or structure in violation of such codes shall be a misdemeanor punishable by a fine of not more than \$500.00, with each day's violation a separate offense.

ARTICLE II - BUILDING INSPECTOR

SECTION 9-201: POWER AND AUTHORITY

The building inspector shall be the city official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He/she shall inspect all buildings repaired, altered, built or moved in the corporate limits of the City and the county area within one mile of the corporate limits, as often as necessary to insure compliance with all city ordinances. The building inspector shall have the power and authority to order all work stopped on any construction, alteration or relocation which violates any provisions prescribed herein. He/she shall issue permission to continue any construction, alteration or relocation when he/she is satisfied that no provision will be violated.

SECTION 9-202: RIGHT OF ENTRY

It shall be unlawful for any person to refuse to allow the building inspector entry into any building or structure where the work of construction, alteration, repair or relocation is taking place for the purpose of making official inspections at any reasonable hour.

SECTION 9-203: TIME OF INSPECTION

The building inspector, upon notification from the permit holder or his/her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed, or shall notify the permit holder or his/her agent that the work fails to comply with the requirements of the Municipal Code: foundation inspection shall be made after trenches are excavated and the necessary forms erected; frame inspection shall be made after the roof, framing, fire-blocking and backing is in place and all pipes, chimneys and vents are complete; and final inspection shall be made after the building is completed and ready for occupancy. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

SECTION 9-204 APPEAL FROM DECISION

In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the building inspector; that the time allowed for compliance with any order of the building inspector is too short; or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and the building inspector; then the owner, his/her agent or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The Board of Adjustment shall have the power and authority, when appealed to, to modify the decision or order of the building inspector. Such a decision shall be final, subject on-

ly to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to both the building inspector and the applicant.

SECTION 9-205: BARRICADES AND LIGHTS

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

ARTICLE III - BUILDING PERMITS

SECTION 9-301: APPLICATION; FEES

Any person desiring to commence or proceed to erect, construct, repair, enlarge, change the dimensions, demolish or relocate any building or dwelling, or cause the same to be done within the city limits or in the county area within one mile of the city limits, shall file with the city clerk an application for a building permit. No building permit shall be required for any structure that is 10 feet by 15 feet or less. The application shall be in writing on a form to be furnished by the city clerk for that purpose. Each applicant shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect and contractor, a sketch, picture or blueprint of the proposed construction, and such other information as may be requested thereon. In addition, the applicant shall cause the boundaries of the land and location of the proposed project to be accurately staked out. The application, plans and specifications so filed with the city clerk shall be checked and examined by the building inspector, who shall make an on-site inspection of the land involved in the proposed project, and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the building inspector shall issue the said applicant a permit upon the payment of a fee, the amount of such fee to be set from time to time by resolution of the City Council.

SECTION 9-302: LIMITATION

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

SECTION 9-303: DISPLAY OF PERMIT

All building permits issued in accordance with the foregoing provisions of Sections 9-201 and 9-202 shall be prominently displayed in plain view and protected from weather within the front 20 feet of the lot or parcel of land upon which work is to be done in accordance with the terms of the permit, from the time of issuance of said permit until completion of all work being done in accordance with the terms of said permit.

SECTION 9-304: NEW CONSTRUCTION, SIDEWALKS REQUIRED

If the building permit application is for new construction, including moving in any type of previously constructed or modular home, except the following:

1. garages;

2. additions less than 1/2 the size of the original structure;
3. allowed outbuildings;
4. on real estate outside the city limits, but within the one mile jurisdiction of the City, and which is not subdivided for development or suitable for sale of additional tracts;

sidewalks shall be constructed in accordance with sidewalk standards and specifications set forth by the city engineer and approved by resolution of the City Council on all lots fronting a street, including both street sides of a corner lot, by the owner prior to the time of completion of the main structure(s) on said lot(s).

Prior to the issuance of a building permit, if a variance/exemption from the immediate construction of a sidewalk has been granted by the Council or building inspector, the owner shall execute an agreement to construct the required sidewalk later pursuant to the agreement.

SECTION 9-305 LANDMARK HERITAGE PRESERVATION

1. For the purposes of this Ordinance, the words and phrases below shall have the following definitions:

- a. Board: The Historic Preservation Board of the City of Plattsburgh.
- b. Planning Commission: The Planning Commission of the City of Plattsburgh.
- c. Cumulative Effect: This Ordinance shall be cumulative to all other provisions of adopted Codes and including Codified Ordinances relating to building, electricity, plumbing or any other technical requirements or provisions; and once work has been approved on a landmark or in a historic district, all other appropriate permits and inspections shall be obtained, and fees therefore shall be paid in accordance with the Land Development Ordinance of the City of Plattsburgh.
- d. Design Guidelines: Design criteria for new construction, alterations and renovations of properties designated as landmarks and in historic districts.
- e. Landmark: An individual structure, or an integrated group of structures on a single lot or site, or a site having a special character or special historical, cultural, educational, architectural, engineering or geographic interest of value.
- f. Historic District: An area or section of the City of Plattsburgh

containing a number of structures having a special character of historical, cultural, educational, architectural, engineering or geographic interest or value.

g. Owner: A real estate owner or owner's authorized agent, officer of a corporation which owns real estate, partner of a partnership owning real estate, or member of an LLC or other similar organization owning real estate.

h. Private: All bodies, groups, organizations, associations, corporations, clubs and individuals of whatever nature which are not included in the definition of "public".

i. Public: The state, or any agency thereof; a municipality; a county or any board appointed by or acting for same; a township; a commission or other authority established by law; any district, or other political subdivision of the state or public body recognized by law.

j. Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground.

k. Work: Work shall mean and include any alteration, demolition, construction, reconstruction, restoration, remodeling or other material change in the external appearance of the structure. Nothing in this Section 9-305 may be construed to prevent ordinary maintenance or repair where such maintenance or repair does not involve a material change of appearance.

2. The City Council finds that the protection, enhancement, perpetuation and use of structures, districts and elements of historical, cultural, educational, architectural, engineering or geographic significance, located within the City of Plattsmouth, contribute to the prosperity, civic pride and general welfare of the people; and further finds that the economic, cultural and aesthetic interests of the City of Plattsmouth cannot be maintained or enhanced by disregarding the heritage of the City of Plattsmouth and that people of the City of Plattsmouth have an interest in the maintenance, preservation, demolition or other action regarding such cultural assets.

Therefore, the City Council finds that the purposes of this Ordinance are, among other things, to:

a. designate, preserve, protect, enhance and perpetuate those structures and districts which reflect significant elements of the City's heritage;

- b. foster civic pride in the beauty and accomplishments of the past;
- c. stabilize or improve the aesthetic and economic vitality and values of such structures and districts;
- d. protect and enhance the City's attraction to tourists and visitors;
- e. promote the use of historic structures or districts for education; and
- f. promote and encourage continued private ownership and utilization of such buildings and other structures now owned and used, to the extent that the objectives listed above can be promoted.

3. There is hereby created the Historic Preservation Board of the City of Plattsmouth.

- a. The Board shall be composed of seven (7) members, consisting of citizens who have a demonstrated interest in preservation, architecture, engineering, interior design, historical or cultural matters or are owners of real estate within the historic district. The Board shall consist of residents or property owners of Plattsmouth, Nebraska.
- b. The members of the Board shall be appointed by the Mayor, subject to confirmation by the City Council.
- c. Initially, three (3) members of the Board shall be appointed for a one (1) year term, two (2) members shall be appointed for a two (2) year term, and two (2) members shall be appointed for a three (3) year term. Members shall serve until their successors are appointed and qualified, and may be appointed to successive terms.
- d. In the event of a vacancy occurring in the membership of the Board for any reason, an appointment shall be made to fill the vacancy in the same manner as the original appointments for the unexpired term.
- e. The members of the Board shall serve without compensation.
- f. The Board shall elect its chairperson from among its members.
- g. The Board shall establish its own rules of procedure.
- h. Four (4) members of the Board shall constitute a quorum for the transaction of business.
- i. Except as otherwise provided herein, four (4) affirmative votes

shall be required for final action on any matter acted upon by the Board.

j. The Board shall meet at minimum quarterly or at times and in such places as it may determine, or upon the call of the chairperson. If a member has 3 consecutive unexcused absences, the position will become vacant and the Mayor with the consent of the City Council shall fill the vacancy.

k. The Board shall adopt design guidelines based on the Secretary of the Interior's Guidelines for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and other appropriate sources. In doing so, the ordinances recommended by the Board shall provide for the consideration of economic factors and provide for the recognition of weighing potential economic detriments against preservationist objectives and shall strive to effect a fair balance in all instances.

4. All plans, projects, proposals, evaluations, specifications, and sketches and other information necessary for the review of the Board, or colors, building materials, signs, or other features subject to public view, shall be made available to the Board by the applicant or appropriate department of the City of Plattsburgh, along with a copy of the application for the building or demolition permit.

5. The City Administrator shall be the Director of the Board, without the right to vote, and he/she or members of staff shall be the custodian of records, conduct official correspondence and generally to supervise the clerical and technical work of the Board as required to administer this Ordinance. In addition, the Director, for and on behalf of the Board and with the approval and direction of the Board, shall:

a. Carry out, assist and collaborate in studies and programs designed to identify and evaluate structures, sites and areas worthy of preservation;

b. Consult with and consider the ideas and recommendations of civic groups, public agencies and citizens interested in historic preservation;

c. Inspect and investigate structures, sites and areas which are believed worthy of preservation;

d. Disseminate information to the public concerning those structures, sites and areas deemed worthy of preservation and encourage and advise property owners in the protection, enhancement, perpetuation and use of property of historical interest; and

e. Make recommendations and do such other acts pursuant to this Ordinance as the Board shall direct.

6. The duties of the Board shall include:

a. Submit to the Planning Commission for public hearing and approval, for further submission to the Mayor and City Council for public hearing and approval, and subsequently maintain (and re-submit as required) a list of structures and other features deemed deserving of official recognition although not designated as landmarks or historic districts and take appropriate measures of recognition, and maintain a documentary inventory;

b. Consider methods other than those provided for in this Ordinance for encouraging and achieving historical preservation, and make appropriate recommendations to the Planning Commission, City Council, and other bodies and agencies, both public and private;

c. Taking into consideration the Cass County Nebraska Historic Building Survey and similar such surveys, make an inventory of all sites, structures, and districts within the zoning jurisdiction of the City of Plattsmouth which are designated as, or which it deems deserving of designation as, historic landmarks on or before December 31, 2005, and from this inventory make recommendations of such sites, structures and districts for such designation by Ordinance;

d. Upon request of the property owner or nomination by the Board and with approval of property owner, any property nominated to the National register must be reviewed by Board and forwarded with comments to the Chief elected official (Mayor) for review and comment prior to consideration by the State Historic Preservation Office (SHPO); and

e. Upon request of the property owner, assist with paperwork for consideration for National Register nomination.

7. Properties may be designated as Landmarks and Historic Districts may be created as set forth below, and when so designated, the same shall be subject to this ordinance.

a. All landmarks and property within a historic district shall be subject to the controls, standards and procedures set forth in this ordinance.

b. A particular site, structure or area may be designated for preservation as a landmark or historic district if it has:

(1) Historic importance or cultural significance, interest or value as part of the development, history, heritage or culture of the City, state or nation or is associated with the life of a person significant in the past; or is the site of an historic event, or exemplifies the cultural, political, economic, educational, social or historic heritage of the community;

(2) Architectural and engineering importance, portraying the historical setting or environment of a distinctive characteristic of an architectural or engineering type, period, style, or method of construction; or is the work of a resident, builder or designer whose individual work is significant in the development of the City; or contains elements of design, detail, materials or craftsmanship of distinctive quality, or which represents a significant innovation;

(3) Geographic importance, by being a part of or related to a city center, park or other distinctive area, which should be developed or preserved according to a plan based on a historic, cultural or architectural motif; or owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of a neighborhood, community, or the City of Plattsburgh; or

(4) Archeological importance has yielded or is likely to yield information important regarding the history of the area prior to the establishment of the City of Plattsburgh.

c. A landmark or historic district may be proposed by the City Council, the Board or upon petition of the owner. Any such proposal shall be filed with the Director on forms prescribed by the Board.

d. Designation of a potential historic district may be proposed on the application of the owners of fifty-one (51%) percent of the front footage of the real property in the proposed district.

e. Each proposal of a landmark or an historic district shall first be

considered by the Board at a public hearing.

f. Notice of the time, place and purpose of the public hearing to be held upon the proposal of a landmark or an historic district shall be given by the Board in the official newspaper of the City of Plattsburgh not less than ten (10) days prior to the date of the hearing and by mail to the owners of all property included in the proposed designation, using for that purpose the names and addresses of the last-known owners as shown by the county real property tax records. Failure to send notice by mail to any such property owner where the address of the owner is not so recorded shall not invalidate any proceedings in connection with the proposed designation. The Board may also give such other notice as may be deemed desirable and practicable.

g. A record of the pertinent information presented at the hearing upon the proposal of a proposed landmark or an historic district shall be made and maintained as a permanent public record.

h. The Board may approve, disapprove or modify the proposal of a landmark or an historic district and shall notify the applicant of the action taken within sixty (60) days of the referral thereof to the Board.

i. The recommendation of the Board for approval of a proposal for a proposed landmark or historic district shall state the particular standards for such designation, as set out in this section, which are applied in each designation.

j. In the case of a proposed landmark, recommendation for designation shall require six (6) affirmative votes if the owner or owners thereof do not concur in the designation or a simple majority if the owner or owners of a landmark site concur in the designation.

k. In the case of a proposed historic district, recommendation for designation shall require the concurrence in such designation by the owners of fifty-one (51%) percent of the front footage of the real property within the proposed district.

8. The Board shall transmit the proposal for the designation of a landmark or an historic district to the Planning Commission for recommendation to the Mayor and City Council. The Board shall consider the degree of conformity or nonconformity with the comprehensive development plan of the City.

9. The Mayor and City Council shall consider the designation of property as a Landmark or the designation of an historic district as follows:

- a. When a proposal for the designation of a landmark or an historic district is presented to the City Council, it shall take into consideration the recommendation of the Board, and shall further give consideration to the economic consequences to the City and the affected property owners.
- b. Objection by the owners of twenty (20%) percent of the front footage of the property within a proposed historic district shall require five (5) affirmative votes by City Council for approval of such district.
- c. Objection by the owner or owners of a proposed landmark shall require five (5) affirmative votes for approval of such landmark.
- d. Objections as to a landmark or an historic district designation must be acknowledged on a form available in the office of the Director and any such objections must be filed with the City Clerk no later than the first reading of the proposed designation ordinance.
- e. In order for the owners of a particular parcel of land to validly object to the designation, such objection shall be executed by all those owners who are otherwise required to execute a valid conveyance of a fee simple interest in such parcel and whose names appear in the records of the County Register of Deeds.
- f. Pursuant to the provisions of this Ordinance, and the procedures set forth herein, the City Council may, by ordinance, designate a "Landmark", or an "Historic District."
- g. An historic district may be designated as such only if the owners of at least fifty-one (51%) percent of the front footage of property within the district concur in such designation, not to include any public right-of-way located in such district.
- h. Each ordinance designating a landmark or an historic district shall include a description and statement of the significance of the real property or district to justify its designation as such and a description of the particular features that should be preserved, and shall include the legal description of the landmark or an historic district.
- i. Within ten (10) days after the effective date of an ordinance designating property as a landmark or an historic district, the Director shall send a copy of such ordinance and a letter prepared by the Director outlining the basis of such designation and the obligations

and restrictions which result from such designation to the owner of record of each property so designated or each property within the designated district by registered or certified mail.

10. The City Council may, by ordinance, amend or rescind the designation of a landmark or an historic district at any time pursuant to the same procedures set forth in this article for the original designation.

11. All properties owned by government entities and/or public agencies shall be subject to the provisions of this Ordinance in the same manner as private persons. All visible modifications or additions to public areas within a landmark or an historic district, including street furniture, lighting fixtures, and paving materials shall be subject to review by the Board.

12. The Board shall, in the administration of the provisions of this Ordinance, take into account all economic factors presented to it. The Board shall recognize the necessity of weighing potential economic detriments against preservationist objectives and shall strive to effect a fair balance in all instances.

13. No person shall carry out or cause to be carried out any Work on a landmark or structure in a an historic district without a certificate of approval first being issued by the Board. For the purposes of this section, any alteration, new or infill construction, restoration, remodeling or other changes shall be deemed to require a certificate of approval where such Work affects any of the characteristics of the landmark or an historic district which were deemed to be significant and intended to be preserved as recited in the ordinance designating such landmark or district.

14. Building permits must be obtained prior to any Work being done. A board approved certificate of approval must be presented to the building official prior to any building permit being issued.

15. Whoever violates or fails to comply with any of the provisions of the Code for which no penalty is otherwise provided, shall be, upon conviction, subject to fine of not more than two hundred dollars (\$200.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

16. Applications for certificates of approval shall be processed as follows:

a. All applications for a certificate of approval will be made on forms available at the Director's office and shall be forwarded immediately to the Board.

b. Notwithstanding any other provision of law, the Building Inspector shall not permit any work except as pursuant to a certificate of

approval issued by the Board as authorized by the City Council.

c. The Board shall hold a public hearing on applications to it for a certificate of approval.

d. The determination by the Board on an application for a certificate of approval, or report of any action taken, shall be forwarded to the Director for appropriate action not later than forty-five (45) days after receipt of the application by the Board.

e. The Board, in considering the appropriateness of any work, shall consider, among other things, the purposes of this article, the historical and architectural value and significance of the landmark or an historic district, the texture, material and color of the building or structure in question or its appurtenant fixtures, including signs, and the relationship of such features to similar features of other buildings within a an historic district, and the position of such building or structure in relation to the street or public way and to other buildings and structures.

f. If, after considering the application for a certificate of approval required by this Section, the Board determines that the proposed changes are consistent with the criteria for historic preservation established by this section, the Board shall recommend to the Director the issuance of the certificate of approval.

g. In the event of determination to deny a certificate of approval, the Board shall request consultation with the owner for a period not to exceed ninety (90) days for the purpose of considering alternatives which achieve preservation in keeping with the criteria. If within that time, an acceptable solution has been achieved, the decision may be amended to approve issuance of a certificate. If at the end of ninety (90) days, an acceptable solution has not been achieved, the certificate of approval shall be deemed finally denied and the applicant so notified by letter and the applicant may appeal to the Council within twenty (20) days of the date of the letter finally denying the application. The Council may, after a public hearing, reverse or modify the recommendation of the Board but only if it finds that owing to special conditions pertaining to the specific piece of property, denial of the certificate of approval will cause undue and unnecessary hardship.

17. The Director, or one acting in his absence or at his direction, may issue a temporary certificate of approval upon a showing of extreme hardship on the applicant or for the public safety in cases where there is a delay during the interim between hearings by the commission, provided that such temporary certificate of

approval shall be ratified or revoked, in whole or in part, by the commission at its next meeting. The director, or one acting in his absence or at his direction, may, upon application of the owner seeking the permit, issue a certificate of approval if the director deems the application not to be for work as defined in this division.

18. The Planning Commission shall review all Board recommendations, and forward its recommendation on the same to the Mayor and City Council.

19. The Board may hold public hearings on City of Plattsburgh projects and undertakings affecting landmark sites, structures or historic districts and make recommendations to the City Council concerning same.

20. The Board may, upon request of the property owner, render advice and guidance with respect to any proposed work on a landmark or an historic district.

ARTICLE IV – MOVING BUILDING

SECTION 9-401: REGULATIONS

It shall be unlawful for any person, firm or corporation to move any building or structure within the City without first obtaining a written permit to do so. Application shall be made in writing to the city clerk and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, the number of rooms therein and such other information as the City Council may require. The application shall be accompanied by a certificate issued by the county treasurer to the effect that all provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located, including the payment of all taxes or special assessments and the payment of the pro rata share of bonded indebtedness of the City, including for school districts therein, pursuant to Nebraska statutes governing collection of taxes; a photograph accurately depicting the present condition of said building; a termite inspection certificate covering the building and its present location; and a detailed plan showing proposed exterior remodeling of the building and future location subsequent to moving. The applicant, if other than the owner, shall also furnish good and sufficient evidence of his/her authority to move said building. The city clerk shall refer the said application to the building inspector for inspection and report to the City Council. Upon approval of the City Council, the city clerk shall then issue the said permit; provided that all fees and deposits as set forth below have been paid or provided. The permit issued shall expire six months from its date of issuance. In the event that the building has not been moved within such six month period, a new application must be made with the city clerk and all of the terms set forth above complied with before issuance of a new permit.

SECTION 9-402: FEE AND DEPOSIT

Prior to the granting of any permit, the applicant shall have paid to the City a fee in an amount set from time to time by resolution of the City Council and shall have provided to the City a good and sufficient corporate surety bond, check or cash in an amount set by motion of the City Council and conditioned upon moving said building without doing damage to any private or municipal property. At such time as the building moving has been completed, the building inspector shall inspect the premises and report to the city clerk as to the extent of damages, if any, resulting from the said relocation and whether any city laws have been violated during the said operation. Upon a satisfactory report from the building inspector, the city clerk shall return the corporate surety bond, cash or check deposited by the applicant. In the event the basement, foundation or portion there-

of is not properly filled, covered, or in a clean and sanitary condition, the City Council may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by resolution of the City Council, as required herein, the Council may recover such excess expense by civil suit or otherwise as prescribed by law.

SECTION 9-403: EXEMPTION

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

ARTICLE V - DEMOLITION OF BUILDINGS

SECTION 9-501: REGULATIONS

It shall be unlawful for any person, partnership, corporation or other legal entity to tear down or demolish any building or structure within the City without first obtaining a written permit to do so. Application shall be made in writing to the city clerk and shall include:

1. the present location of the building to be torn down or demolished;
2. how it will be torn down or demolished;
3. how materials and debris will be removed from the premises and disposed of;
4. a photograph accurately depicting the present condition of said building;
5. a termite inspection certificate covering the building at its present location;
6. good and sufficient evidence of his/her authority to tear down or demolish said building, if applicant is not the owner; and
7. such other information as the City Council may require.

The city clerk shall refer the said application to the building inspector for inspection and then report to the City Council. Upon approval of the City Council, the city clerk shall issue the permit; provided that all fees and deposits as set forth below have been paid or provided. Tearing down, demolition, removal of debris and filling of excavations will be completed within six months of issuance of the permit. If not completed within said time, a new permit, fee and deposit (if needed) must be obtained and paid.

SECTION 9-502: FEE AND DEPOSIT

Prior to the granting of any permit, the applicant shall have paid to the City a fee in an amount set from time to time by resolution of the City Council and shall have provided to the City a good and sufficient corporate surety bond, check or cash in an amount set by motion of the City Council and conditioned upon tearing down or demolishing such building without doing damage to any private or municipal property. At such time as the building tear down or demolition has been completed, the building inspector shall inspect the premises and report to the city clerk as to the extent of damages, if any, resulting from the said relocation and whether any city laws have been violated during the said operation. Upon a satisfactory report from the building inspector, the city clerk shall return the corporate surety bond, cash or check deposited by the applicant. In the event the basement, foundation or portion thereof is not properly filled, covered or in a clean and sanitary condition, the City Council may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the

deposit set by resolution of the City Council, as required herein, the Council may recover such excess expense by civil suit or otherwise as prescribed by law.

SECTION 9-503: EXEMPTION

No permit shall be required to tear down or demolish a building that is 10 feet wide or less and 20 feet long or less.

ARTICLE VI - PENAL PROVISION

SECTION 9-601: VIOLATION; PENALTY

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