

**CITY OF RUSHVILLE**  
**ORDINANCE NO. 24-811**

**AN ORDINANCE AMENDING CHAPTER 9 BUILDING REGULATIONS, ARTICLE 1 TO PROVIDE FOR APPOINTMENT OF A BUILDING INSPECTOR, ESTABLISHING POWERS, DUTIES AND AUTHORITY THEREFOR; REQUIRING BUILDING PERMITS AND INSPECTIONS FOR CERTAIN CONSTRUCTION OR BUILDING PROJECTS; RECODIFYING PROVISIONS REGARDING BARRICADES AND LIGHTS; PROVIDING FOR AN APPEAL; AND AN EFFECTIVE DATE.**

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

Section 1. Article 1 of Chapter 9-Building Regulations is hereby re-codified as follows:

Article 1 – Building Inspector

§9-101: Appointment, Powers And Authority

§9-102: Right of Entry

§9-103: Type of Inspection

§9-104: Building Permit Required

§9-105: Building Without Permit; Nuisance

§9-106: Barricades and Lights

§9-107: Appeal from Building Inspector Decision

Section 2. Chapter 9, Article 1, Section 9-101 of the Rushville Municipal Code is amended as follows:

**SECTION 9-101: APPOINTMENT, POWERS AND AUTHORITY**

The City Council shall appoint a building inspector, who shall be the city official having the duty of enforcing all building and housing regulations as herein prescribed, or where may prescribed elsewhere in the Rushville Municipal Code. The duties of the building inspector shall be as follows:

A. He or she shall inspect all newly constructed buildings or structures or existing buildings or structures which may be repaired, altered, built, or moved in the city, and the building inspector may inspect all such property as many times as necessary to insure compliance with all city ordinances. Upon properly identifying himself (or herself) the Building Inspector is authorized to enter, inspect, survey, and investigate such buildings or improvements

between the hours of 8:00 a.m. and 5:00 p.m., or at any time if an emergency exists or if requested by the owner or occupant thereof. He or she shall also investigate all complaints, whether verbal, written, or in the form of a petition, alleging and charging that a violation of the municipal ordinances exists and that a building or structure is unfit or unsafe for human habitation.

B. He or she shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He or she shall, at the direction of the City Council, issue permission to continue any construction, alteration, or relocation when the council is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within twenty-four hours. The building inspector or his or her agent shall serve such written order.

C. He or she shall issue building permits as may be authorized by the City Council or the Rushville Municipal Code.

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

E. He or she shall have the authority to carry out the duties as may be provided for in the Rushville Municipal Code.

F. He or she shall report to the City Council as often as may be deemed necessary and shall have such other duties and issue such permits as the council may direct.

Section 3. Chapter 9, Article 1, Sections 9-102 to 9-107 of the Rushville Municipal Code are hereby established as follows:

#### **SECTION 9-102: RIGHT OF ENTRY**

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

#### **SECTION 9-103: TYPE OF INSPECTION**

A. The building inspector, upon notification from the permit holder or his or 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 or her agent, that the work fails to comply with the requirements of the municipal code:

1. Site inspection shall be performed before any project begins;
2. Foundation or footing inspection shall be made after trenches are excavated and the necessary forms erected;
3. Underfloor, framing, insulation, fire-blocking, drywall, roof sheathing, roofing or re-roofing and shear wall inspections shall be made as work is complete or as building inspector deems necessary

4. Plumbing rough-in and mechanical rough-in shall be made as work is complete or as building inspector deems necessary;
5. Plumbing final, mechanical final, building final shall be made after the building is completed and ready for occupancy.

B. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the approval of the building inspector.

#### **SECTION 9-104: BUILDING PERMIT REQUIRED**

A. Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building, dwelling or structure, or cause the same to be done, shall file with the city clerk an application for a building permit. The application shall be in writing on a form to be furnished by the clerk. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner and contractor, and such other information as may be requested thereon. Applications, plans and specifications shall be submitted to the city clerk at least 2 weeks before start of any project.

B. The application, plans, and specifications filed with the city clerk shall be checked and examined by the building inspector and public works director and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, along with the setback required by the zoning regulations, if any, a building permit shall be issued to the applicant upon payment of the permit fee set by resolution of the City Council and kept on file in the office of the city clerk. Standard permit fees shall, however, apply only in the case of on-time (before construction) filings. Any application filed after construction has commenced shall pay a fee that is four times the standard fee, or any project completed with the property city permit may be fined up to 10% of the total cost of the project.

C. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.

D. If the work for which a permit has been issued shall not have begun within six months of the date of issuance, or if the construction is discontinued for a period of six months, or if work has not been completed within two years from the date of issuance, the permit shall be void. In that event, before work can begin or resume, a new permit shall be obtained in the same manner and form as an original permit.

#### **SECTION 9-105: BUILDING WITHOUT PERMIT; NUISANCE**

Every building or other structure hereafter erected, remodeled or moved into or within said city without a permit as herein required or which is not constructed, remodeled or located in accordance with the permit granted and issued therefor shall be deemed and considered to be a public nuisance and may be abated or removed by the city at the expense of the owner. Such nuisance abatement procedures shall be as established and provided for in Sections 4-307 or 4-308 of the Rushville Municipal Code.

**SECTION 9-106: BARRICADES AND LIGHTS**

It shall be the duty of the owner, tenant or lessee causing the construction, demolition or moving of any building or improvement within the Municipality to have during such work, all excavations, open basements, building materials and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect or refusal of said persons to erect such guards shall constitute a violation of this Section and the building inspector may apply to the County Sheriff's office or other relevant authority to stop all work until guards are erected and maintained as required by this section.

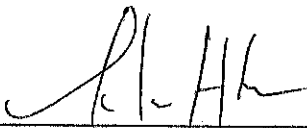
**SECTION 9-107: APPEAL FROM BUILDING INSPECTOR DECISION**


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 or by the building inspector, the owner, his or her agent, or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The City Council shall hear all appeals and shall have the power and authority, when appealed to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation are assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to both the building inspector and the applicant.

Section 3. Any ordinance, article or section passed and approved prior to the passage, approval and publication or posting of this ordinance and which is in conflict with the revisions made herein are repealed.

Section 4. This ordinance shall take effect and be in full force from and after the passage approval and publication or posting as required by law.

PASSED AND APPROVED this 28 day of March, 2024.

  
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MAYOR

ATTEST:  
  
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CITY CLERK