

Chapter 9

BUILDING REGULATIONS

Article 1. Building Permits

§9-101 BUILDING PERMITS; FEES.

(A) Unless otherwise made specifically exempt by the Bertrand Municipal Code, a building permit shall be required for any person desiring to begin, start, commence, or proceed with either new construction or with an addition, an alteration, or an improvement to existing construction which consists of any one or more of the following activities within the Municipality or its zoning jurisdiction:

- (1) To erect or construct (to build or have built);
- (2) To enlarge (make larger, increase in size or build up, out or down);
- (3) To demolish (destroy, level, remove, tear down, wreck); or
- (4) To relocate (move, change location). (As such a building permit is required for any building or dwelling which is moved into, within, or out of the Municipality or its zoning jurisdiction.)

(B) Building permits shall be required for any proposed project which involves or includes any of the following types of projects within the Municipality or its zoning jurisdiction:

- (1) A building (garage, commercial building, church, grain facility, shed);
- (2) A dwelling (house, residence, apartment);
- (3) A swimming pool;
- (4) A fence or a wall;
- (5) A tower, cell tower, or an antenna; or
- (6) A satellite dish greater than twenty-four inches (24") in diameter.

(C) Any person or entity, who anticipates any of the aforesaid projects or work to be done, shall file with the Municipal Clerk an application for a building permit accompanied by the applicable fees. (It is recommended that building permit applicants have their building contractor review or assist the applicant with the building permit application prior to beginning the project.)

(D) *Existing Grandfathered Setback Requirements.* Permit applications for improvements to an existing structure that, if built at the time of permit applications for improvements to an existing structure that, if built at the time of the application for the improvements, would be in violation of the current permitted distance setback regulations, will require the applicant to either bring the property into compliance or to apply for and obtain a variance that brings the property into compliance.

(E) *Where Building Permit Not Required.* The following types of construction and/or activities will not require a building permit:

- (1) Painting;
- (2) Siding replacement;
- (3) Shingle replacement;
- (4) Window replacement;
- (5) Step or porch repair or replacement if exterior size does not increase.

(F) *Application Form.* The application for a building permit shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every application shall set forth all of the following:

- (1) The legal description of the property;

- (2) The address of the land upon which the construction or relocation is to take place;
- (3) The nature or use or occupancy;
- (4) The principal dimensions;
- (5) The estimated cost including labor;
- (6) The names of the property owners;
- (7) The contractor and the architect (if used);
- (8) The plan for the site; and
- (9) Such other information as may be requested.

The application, plans and specifications so submitted to the Municipal Clerk shall be checked and examined by the Governing Body and if applications, plans and specifications are found to be in conformity with the requirements of this chapter, the Governing Body, or its authorized designees, may authorize the Municipal Clerk to issue to said applicant a permit upon the payment of the permit fee(s) as set by resolution or ordinance of the Village Governing Body.

(G) *Waiver of Fees.* All building permit applications will be required to pay the building permit application fees except the following:

- (1) Buildings with less than one hundred fifty (150) square feet;
- (2) Building permits issued for activities outside the corporate limits but within the zoning jurisdiction of the Village; and or
- (3) Permits to demolish, tear down or remove.

(H) Whenever there is a discrepancy between permit application procedures contained in this section and those contained in any building code adopted by reference, the provisions of this section shall govern, control and prevail.

(I) *Penalty.* Failure to obtain a building permit prior to commencement of work upon any project may subject the owner of such property to a one hundred dollar (\$100.00) fine and to an injunction to cease further progression of such work. A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this section.

(J) *Zoning Jurisdiction Defined.* Pursuant to Nebraska statutes, villages may apply, by ordinance, any existing or future zoning ordinances, property use regulation ordinances, electrical ordinances, and plumbing ordinances, to an area within one (1) mile of the corporate limits of such municipalities, with the same force and effect as if such areas were within their corporate limits. The fact that the zoning area or part thereof is located in a different count or counties than some of the portions of the Municipality shall not be construed as affecting their necessity of obtaining the approval of the Board of Trustees of such Municipality or its agents designated.

(K) *Interpretation.* The Village has the right by Nebraska statute to govern, control and regulate all building and construction within the one (1) mile area in each direction of the Village corporate limits even though that line may cross the county line which it does on the west side of Bertrand. Therefore, if an applicant has property in that one (1) mile area, the applicant must comply with the building permit regulations of the Village set forth above. (*Ord. No. 100, 8/9/47*)(*Amended by Ord. Nos. 298, 7/13/93; 311, 6/14/94; 528, 3/9/04; 543, 10/12/04*)

§9-102 BUILDING PERMITS; LIMITATION. If the work for which a permit has been issued shall not have begun within six (6) months of the date thereof, or if the construction shall not be completed within one

(1) year of the date thereof, 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. *(Amended by Ord. No. 671, 7/10/18)*

§9-103 BUILDING PERMITS; DUPLICATE TO COUNTY ASSESSOR. Whenever a building permit is issued for the erection, alteration or repair of any building within the Village's jurisdiction, and the improvement is two thousand five hundred dollars (\$2,500.00) or more, a duplicate of such permit shall be issued to the County Assessor. *(Ref. 18-1743 RS Neb.)(Amended by Ord. No. 539, 4/13/04)*

§9-104 BUILDING REGULATIONS; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX. Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free.

For purposes of this section, lead free shall mean:

(1) Solders and flux – not more than two-tenths percent (0.2%) lead; and

(2) Pipe and pipe fittings – not more than eight percent (8%) lead. *(Ref. 71-5301 RS Neb.)(Ord. No. 247, 5/10/88)*

§9-105 BUILDING REGULATIONS; REQUIREMENTS.

(1) The Village hereby adopts certain minimum building regulations applicable to any construction, building, or improvement for which a building permit is required. It shall be unlawful for anyone to construct, build, or improve any building or dwelling except in compliance with the regulations set forth herein. The following are hereby designed to be minimum building regulations for any construction, building, or improvements within the corporate limits of the Village or its zoning jurisdiction.

(a) Footings shall be at least three feet (3') from any side lot line (or alley) with no part of the building to be within two feet (2') of any alley lot line;

(b) Footings shall be at least twenty-five feet (25') from the front property line, and, if on a corner lot, at least fifteen feet (15') from the side property line abutting the street;

(c) Footings shall not be required on buildings of less than one hundred fifty square feet (150 sq. ft.) nor shall footings be required on pole frame construction;

(d) Basement walls shall be a minimum of eight inches (8") in width;

(e) Basement walls eight inches (8") in width shall have footings sixteen inches by ten inches (16" wide x 10" deep), with two (2) rebar one-half inch (1/2") in diameter;

(f) Basement walls ten inches (10") in width shall have footings twenty inches by twelve inches (20" wide x 12" deep), with two (2) rebar one-half inch (1/2") in diameter;

(g) Insulation shall be required in living areas, with sidewall insulation of an R-11 rating, and ceiling insulation of an R-30 rating or greater;

(h) Drywall is required for attached garage as follows:

5/8" Fire Code on garage/house wall and on garage ceiling, or

5/8" Fire Code on garage/house wall to roof sheeting;

(i) Any building moved into and/or within the Municipality having more than one hundred fifty square feet (150 sq. ft.) shall require footings, and such footings shall be in place prior to moving the building to its destination;

(j) Applicants for building permits, whether residential, commercial, or otherwise shall provide to and file with the Municipal Clerk a plot plan for the entire proposed building or improvement site;

(k) Swimming pools constructed below ground must be completely surrounded by a fence six feet (6') in height, and swimming pools shall comply with all setback requirements contained within this section and section 9-105.01'

(l) Carports of pole-type construction and having no side wall cover (i.e. open poles) must be at least eight feet (8') from the owner's front property line;

(m) For purposes of this section, a MANUFACTURED HOME shall mean, be defined as, and include:

1. A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufacture Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development; or

2. Modular housing unit as that term is define in this section.

(n) A MANUFACTURE HOME shall also be subject to the following restrictions, regulations, and requirements:

1. The home shall have no less than nine hundred square feet (900 sq. ft.) of floor area;

2. The home shall have no les than an eighteen foot (18') exterior width;

3. The roof shall be pitched with a minimum vertical rise of two and one half inches (2 ½ ") for each twelve inches (12") of horizontal run;

4. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built single-family construction;

5. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;

6. The home shall have wheels, axels, transporting lights, and removable towing apparatus removed; and

7. The home shall have a perimeter foundation of concrete and/or masonry with footings thirty-six inches (36") below grade.

(o) For purposes of this section, a MODULAR HOUSING UNIT shall mean, be defined as, and include any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities; bearing a seal in accordance with the Nebraska Uniform Standards for Modular Housing Units Act. A modular housing unit is a "manufactured home: as that term is defined in this section and, as such, a modular housing unit is subject to the same restrictions, regulations, and requirements of a "manufactured home: as are set forth in this section.

(p) Buildings on grade shall have a minimum footing of thirty-six inches (36") from grade, or a floating footing if under six hundred square feet (600 sq. ft.) and not a living area. A floating footing shall be minimum of twelve inches (12") wide and twelve inches (12") deep. All footings shall have a minimum of two (2) rebar one-half inch (1/2") in diameter.

(q) A tower or antenna which is fifty feet (50') or taller must be set back from neighboring structure(s) and from streets and roads, a distance of at least ten feet (10') greater than the constructed height of

the tower or antenna; and provided further, that a tower or antenna which is one hundred feet (100') must be set back from neighboring structure(s) and from streets and roads, a distance of at least one hundred ten feet (110') or the tower or antenna must have engineering proof or verification that said tower or antenna will collapse downward, in which case, the setback requirement shall be ten feet (10') greater than the collapsible distance.

(2) All building permit application requests and authorized construction will require the following inspections by the Zoning Administrator or other authorized Village official.

- (a) An initial inspection before any construction begins and before the Village issues building permit;
- (b) A second inspection when the footings are dug; and
- (c) A final inspection when the construction is complete.

(3) It will be the responsibility of the building permit applicant to notify the Building Inspector prior to each inspection. (*Ord. No. 298, 7/13/94*)(*Amended by Ord Nos. 309, 5/11/94; 311, 6/14/94; 318, 9/13/94; 375, 8/13/96; 410, 11/11/97; 450, 6/8/99; 516, 9/9/03; 530, 5/10/03*)

§9-105.01 BUILDING REGULATIONS; FENCE/WALL REQUIREMENTS.

(A) Fences in Residential Zoned Areas.

(1) All fences or walls which will be constructed must comply with residential fence/wall ordinance in effect at time of issuance of fence/wall building permit as therein defined. A fence/wall building permit requirement is hereby established. A fence/wall building permit will be granted, provided that the requested fence/wall is in compliance with this section, as amended from time to time, and such other established standards and regulations. Said permit will cost ten dollars (\$10.00) and shall be payable with the building permit application.

(2) All fence/wall building permit application requests and authorized construction will require the following inspections by the Zoning Administrator or other authorized Village official.

- (a) An initial inspection before any construction begins and before the Village issues fence/wall building permit;
- (b) A second inspection when the corner posts are in place; and
- (c) A final inspection when the fence/wall construction is complete.

(3) Residential Fence/Wall Location.

(a) If fence/wall location being requested adjoins another property owner, any fence/wall construction shall be thirty-six inches (36") or more inside of property line unless abutting property owners have a written easement or other written agreement permitting joint lawful and beneficial use of the fence/wall location on the joint property line.

(b) If property owner requesting fence/wall building permit is on property which has an alley, that fence/wall shall be located not less than fourteen feet (14') from center of alley or four feet (4') inside of property owners property line for purpose of access to utility meters and access for garbage removal.

(c) If property owner requesting fence/wall building permit has a sidewalk in front of property or has both a front sidewalk and a sidewalk on side (a corner lot), that fence/wall shall be located eighteen inches (18") or more inside the sidewalk on both sides or sixteen feet six inches (16'6") from the back of the curb, whichever distance is the greatest distance from the middle of the street.

1. If property requesting fence/wall building permit does not have a sidewalk, then the fence location must be located not less than sixteen feet six inches (16'6") from the curb line.

2. If the property owner requesting fence/wall building permit does not have a sidewalk or a curb, then fence/wall shall be located not less than eighteen inches (18") inside of the line where sidewalk would be located or sixteen feet six inches (16'6") from location of back side of curb if it existed, whichever is the greater distance from the center of the street.

(4) *Residential Fence/Wall Height.* Any fence or wall which proposed construction will be located in the front of the residence shall be no higher than thirty-six inches (36") from the top of the curb to allow for vision of vehicles entering driveways except for corner lots which will be restricted to heights of not more than thirty inches (30") from top of curb to top of fence/wall to allow for corner traffic vision (see subsection (C) below regarding vision clearance area). The thirty-six inch (36") height restriction shall run a distance equal to the distance from the front property line back to the front of the residence. If there is no residence on the property making a fence/wall construction request, said fence shall be height restricted to thirty-six inches (36") back forty-five feet (45') from back or curb except on corner lots where height is restricted to thirty inches (30") from top of curb to top of fence back forty-five feet (45') from back of curb.

(5) *Residential Fence/Wall Construction.*

(a) No fence or wall shall be permitted in a front yard which shall materially obstruct public view. Permitted type fences shall include split rail, chain link, or any other see-through type fence material.

(b) All fences or parts or walls or parts thereof shall be constructed so that all posts, braces, stringers, and any other structural members shall face to the interior of the lot or parcel being fenced.

(c) No fence or wall shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals by intent of its construction or be dangerous from inadequate maintenance. No fences or walls are permitted which shall carry any type of electrical charge.

(d) No fence or wall within residential zoned areas shall be constructed of a height greater than six feet (6').

(e) No fence or wall shall be constructed on a corner lot which will constitute a traffic hazard as identified in the site triangle of a corner lot as shown in sight triangle in the vision clearance area, subsection (C) of this section.

(B) Fences/Walls in Commercial or Industrial Zoned Areas.

(1) All commercial and industrial fences/walls will require a fence/wall building permit as established by this section which will be issued by the Village at a cost of ten dollars (\$10.00).

(2) All fence/wall building permits in commercial or industrial zoned areas will require the following:

(a) The initial inspection to be done by the Zoning Administrator or other authorized Village official before any construction begins and before the Village issues fence/wall building permit;

(b) The second inspection to be done by the Zoning Administrator or other authorized Village official when the corner posts are in place; and

(c) The final inspection to be done by the Zoning Administrator or other authorized Village official when the fence/wall construction is complete.

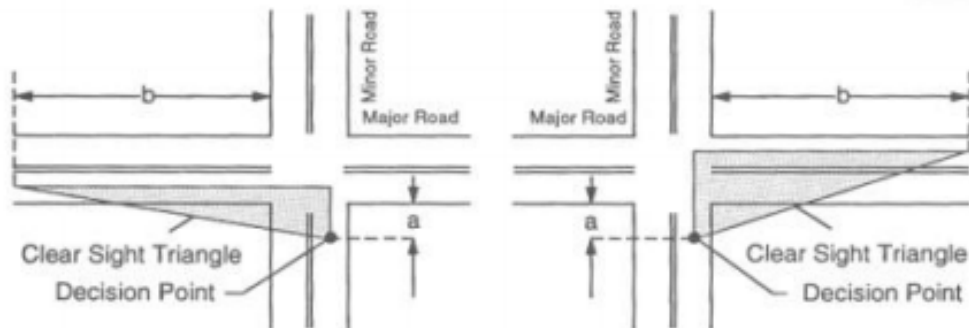
(3) Maximum height of fences/walls shall be six feet (6') except when industry standards for certain types of business require fence/walls of greater heights, then the Village Board, at its discretion may allow greater heights or up to twelve feet (12').

(4) Fences/walls in commercial and industrial areas shall be set back not less than eighteen inches (18”) from the property line or from the sidewalk, whichever is the greater distance away from the street.

(5) If fence location being requested adjoins another privately owned property, any fence/wall construction which lies less than thirty-six inches (36”) from joint property line shall have a written easement, or other written agreement permitting joint lawful and beneficial use of the fence location on or near the joint property line.

(C) Fences/Walls – Vision Clearance Area – All Zoning Districts.

(1) All districts shall have, in all zoning classifications, except where buildings have or are allowed on the property line, a continuous unobstructed sight distance for safe traffic operations. No fence obstruction shall exist with a height greater than thirty inches (30”) within the vision clearance area from the elevation of the top of the curb. In the event that there is no curb, the measurement will be made from the edge of the driving surface.



Requirements by Street Classifications
(Measured along Right-of-Way)

		"a" (Distance in Feet)			
		Local Street	Collector Street	Arterial Street	
"b" (Distance in Feet)	30	Local Street	30	100	130-150
	100	Collector Street	30	100	130-150
	130-150	Arterial Street	30	100	130-150

(2) Arterial streets shall consist of Minor Avenue, Kellogg Street, and that part of Kennett Street east of Minor Avenue.

(3) All other streets will be considered local streets. (Ord. No. 516, 9/9/03)(Amended by Ord. No. 530, 5/10/03)

§9-106 BUILDING REQUIREMENTS; BUILDING INSPECTION. The Governing Body shall appoint a member of the Board of Trustees or an employee of the Municipality to check and examine all applications for building permits, as well as the plans and specifications for the proposed project. Such

individual shall inspect the proposed project with the applicant and make recommendations to the Governing Body. The individual appointed by the Governing Body shall also be authorized to inspect footings, before poured, and conduct follow-up inspections as the construction progresses to determine whether the project complies with the building regulations of the Municipality. *(Ord. No. 298, 7/13/93)(Amended by Ord. No. 311, 6/14/94)*

§9-107 BUILDING REGULATIONS; PLANS, MAPS, AND THE LIKE; MUNICIPAL OFFICIALS; DUTY. *(Ord. No. 44511/10/98; 449, 6/18/99; 561, 1/11/05)(Repealed during 2006 S-8 Supplement)*

§9-108 BUILDING REGULATIONS; LIQUEFIED PETROLEUM TANKS.

- (1) Any person desiring to install or cause to be installed a liquefied petroleum gas tank within the corporate limits of the Village or its zoning jurisdiction shall first file with the Municipal Clerk an application for a permit and receive a permit from the Village/ Any liquefied petroleum gas tank installed within the corporate limits of the Village or its zoning jurisdiction shall be installed only by an individual certified to do so by the State of Nebraska.
- (2) The permit application shall include each and all of the following:
 - (a) A plot plan setting forth the intended location of the tank upon the subject lot(s);
 - (b) The name, address, and certificate number of the individual who is certified to and who will install said tank;
 - (c) A representation by the applicant and the certified installer that the installation and maintenance of the tank will comply with all applicable federal, state, and/or municipal codes.
- (3) The permit application shall be signed by the applicant and the certified installer who will install the tank.
- (4) Liquefied petroleum gas shall mean and include any material which is composed predominantly of hydrocarbons or mixtures of the same, such as propane, propylene, butanes (normal butane and isobutane), and butylenes. *(Ord. No. 379, 5/13/97)*