

CHAPTER 9: BUILDING REGULATIONS

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ARTICLE 1: BUILDING INSPECTOR

§ 9-101 BUILDING INSPECTOR; POWER AND AUTHORITY.

The Building Inspector shall be the Municipal Official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall inspect all buildings repaired, altered, built, or moved in the Municipality as often as necessary to insure compliance with all Municipal ordinances. He shall have the power and authority to order at the direction of the Governing Body, all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He shall issue permission to continue any construction, alteration, or relocation when he is satisfied that no provision will be violated. In the event that the Governing Body fails to appoint a Building Inspector, the Chief of Police shall be the Building Inspector ex officio.

§ 9-102 BUILDING INSPECTOR; 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.

§ 9-103 BUILDING INSPECTOR; TIME OF INSPECTION.

The Building Inspector, upon notification from the permit holder or his 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 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. Plumbing Inspection shall be made after all pipe and drainage systems for water and sewer are installed; Electrical Inspection shall be made after all leadins, wiring, and fuse or breaker devices are installed; 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.

§ 9-104 BUILDING INSPECTOR; 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, the owner, his agent, or the occupant may file a notice of appeal within ten (10) days after the decision or order of the Building Inspector has been made. The Governing Body shall sit and act as the Municipal Board of Appeals and 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 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 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.

ARTICLE 2: BUILDING PERMITS

§ 9-201 BUILDING PERMITS.

Any person desiring to commence or proceed to erect, construct, repair, enlarge, make addition, to demolish, or relocate any building or dwelling, or cause the same to be done, shall file with the Municipal Clerk an application for a building permit. The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. 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, architect, and contractor, and such other information as may be requested thereon. The application, plans, and specifications so filed with the Municipal Clerk shall be forwarded to the Building Inspector for consideration whether such plans are in conformity with the requirements of this Chapter and all other ordinances applicable thereto. The Building Inspector shall recommend approval or disapproval of the application together with his reasons therefor, to the Municipal Planning Commission, which shall make final determination on approval or disapproval of the application. If said application is approved the Planning Commission shall authorize the Municipal Clerk to issue the said applicant a permit upon the payment of the permit fee as provided by this Article. Any person aggrieved by such decision shall have the right of appeal to the Board of Adjustment of the Municipality. 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. *(Ref. 17-130 through 17-132, 17-550, 17-1001 RS Neb.) (Amended by Ord. No. 435, 2/21/78)*

§ 9-201.01 BUILDING PERMITS; DUPLICATE TO COUNTY ASSESSOR.

Whenever a building permit is issued for the erection, alteration or repair, of any building within the Municipality's jurisdiction, and the improvement is one thousand (\$1,000.00) dollars or more, a duplicate of such permit shall be issued to the County Assessor. *(Ref. 18-1743 RS Neb.) (Ord. No. 460, 10/2/79)*

§ 9-201.02 BUILDING PERMITS; REVIEW BY BUILDING INSPECTOR; TIME LIMITS.

The Building Inspector shall have a period of time to approve or deny any building permit of not less than seven (7) days for residential construction and thirty (30) days for commercial construction. In the event the Building Inspector's review of plans and specifications and permit application exceeds seven (7) days for residential or thirty (30) days for commercial, the Inspector shall advise the applicant

of such delay, and shall endeavor to approve or deny such permit as soon as it can be reasonably accomplished. (*Ord. No. 692, 6/1/99*)

§ 9-202 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 be discontinued for a period of six (6) months, or if the construction shall not have been completed within twelve (12) months of the date of issue, the permit shall be void, unless the applicant appears before the Zoning Commission and is granted an extension of time, not exceeding six (6) months, which may be granted upon a showing of good and sufficient cause. If the project is not completed within the extension time, a new building permit including payment of a new permit fee is required. (*Amended by Ord. No. 521, 4/2/85*)

§ 9-203 BUILDING MOVING; REGULATION.

It shall be unlawful for any person, firm, or corporation to move or dismantle any building or structure within the Municipality without a written permit to do so. Application may be made to the Municipal Clerk, and shall include the present location of the building to be moved, the site to which it is proposed to move the building, the name of the owner of the building, the name and address of the person the applicant intends to employ to move the building, the date on which the building is to be moved and the proposed route, the equipment to be used, and such other information as the Governing Body may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the 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. Upon filing such application, the Clerk shall cause a notice to be published in one (1) issue of a legal newspaper printed and published in the Municipality, giving public notice that such application has been filed and that the same will be considered by the Governing Body at a time and place therein specified, which shall be not less than seven (7) days after the publication of said notice nor more than twenty-one (21) days after the filing of said application. The publication fee for said notice shall be paid by the applicant, and the amount thereof paid to the Clerk with the filing of said application. At the time and place stated in said notice, the Governing Body shall consider the application, and the applicant shall be required to appear and present satisfactory evidence that said building or structure is not unsafe, unsound, hazardous, unsightly, dilapidated, vermin infested, and does not constitute a fire hazard, or a public or private nuisance. At the hearing any applicant may be represented by legal counsel, and any interested person or persons may appear in person or by legal counsel and be heard. The Governing Body may grant or deny the application as filed, or may grant the application on condition, in which event there shall be endorsed upon the application and permit the words "Granted on Condition That," followed by a statement of all terms and conditions on which said application was granted. The Municipal Clerk shall refer the said application to the Municipal Police for approval of the proposed route over which the said building is to be moved. Upon approval of the Governing Body, the Municipal Clerk shall then issue the said permit; provided, that a good and sufficient corporate surety bond, check, or cash in an amount of five thousand (\$5,000.00) dollars and conditioned upon moving said building without doing damage to any private or Municipal property is filed with the Municipal Clerk prior to the granting of any

permit. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall upon proper notice of at least twenty-four (24) hours, be present and assist by disconnecting the said poles, wires, or line relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the Municipality, notice in writing of the time and route of the said building moving operation shall be given to the various Municipal officials in charge of the Municipal utility departments who shall proceed in behalf of the Municipality and at the expense of the mover to make such disconnections and do such work as is necessary.

§ 9-204 BUILDING MOVING; DEPOSIT.

At such time as the building moving has been completed, the Municipal Police shall inspect the premises and report to the Municipal Clerk as to the extent of damages, if any, resulting from the said relocation and whether any Municipal laws have been violated during the said operation. Upon a satisfactory report from the Municipal Police, the Municipal 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 Governing Body 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 Governing Body, as required herein, the Governing Body may recover such excess expense by civil suit or otherwise as prescribed by law.

§ 9-205 PERMIT; FEES.

1. For a permit for new residential building, \$40.00 plus \$3.00 per \$1,000.00 of estimated value of the building in excess of \$30,000.00.

Residential construction - Minimum valuations (prices may increase depending on construction enhancements and construction costs).

First Floor.	\$65.00 sq. foot
Basement/Unfinished.	\$20.00 sq. foot
Basement/Finished.	\$32.50 sq. foot
Garage.	\$25.00 sq. foot
Ag. Building.	\$15.00 sq. foot

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Electrical Permit.	Inspection by State of Nebraska Electrical Inspector with inspection fee paid directly to inspector per inspector's fee schedule
Plumbing Permit.	\$50.00
Mechanical Permit.	\$50.00 (HVAC/Gas piping)

If building permit is issued for new construction or remodeling projects plumbing and mechanical permits will be issued accordingly.

2. For a permit for an accessory building exceeding 100 sq. feet, (the project will be calculated per minimum valuation according to residential chart above), \$45.00 plus \$3.00 per \$1,000.00 of estimated value of the improvement in excess of \$1,000.00.

3. For a permit for remodeling or any other construction, \$45.00 plus \$4.00 per \$1,000.00 of estimated value/construction cost of the improvement in excess of \$1,000.00.

4. For a permit for the construction or installation of a fence six (6) feet four (4) inches in height or higher, the fee shall be calculated the same as in item number 3.

5. For a permit for commercial buildings, \$100.00 plus \$5.00 per \$1,000.00 of the estimated value of the building in excess of \$1,000.00. An hourly fee of \$40.00 will be charged for plan review.

Commercial construction - minimum valuations (prices may increase depending on construction enhancements and construction costs)

Apartment Houses.	\$36.50 sq. foot
Auditoriums.	\$57.00 sq. foot
Banks.	\$84.00 sq. foot
Bowling Alleys.	\$30.00 sq. foot
Churches.	\$57.00 sq. foot
Nursing Homes.	\$65.50 sq. foot
Hospitals.	\$103.00 sq. foot
Hotels and Motels.	\$60.00 sq. foot
Industrial Plants.. . . .	\$30.00 sq. foot
Medical Offices.. . . .	\$69.50 sq. foot
Offices.. . . .	\$54.50 sq. foot
Restaurants.. . . .	\$68.50 sq. foot
Schools.	\$58.00 sq. foot
Service Stations.. . . .	\$48.00 sq. foot
Stores.	\$38.00 sq. foot
Warehouses.	\$22.00 sq. foot

Electrical Permit. Inspection by State of Nebraska Electrical Inspector with inspection fee paid directly to inspector per inspector's fee schedule

Plumbing Permit. \$80.00

Mechanical Permit. \$80.00 (HCVAC/Gas piping)

(License required for all specialized fields.)

6. Electrical permits required for all electrical projects. State license required for all electrical permits. Exception - when electrical work is being done by individual who owns home, no license required.

7. Re-inspection fee. A re-inspection fee of \$50.00 will be charged per each failed inspection. No further inspections will be made to the property/project prior to payment of fee.

8. For a permit for the demolition/removal of a building or structure, the fee shall be at the rate of \$100.00. New location of building will require a building permit if relocated to an area within the City's zoning jurisdiction. During demolition all properties must be secured at all times with a safety fence.

In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made and the portion of the fee for uncompleted work returned to the permit holder; provided, no refund of a prescribed \$15.00 fee shall be made if such discontinuance is due to revocation of a variance.

(Amended by Ord. Nos. 521, 4/2/85; 552, 3/8/88; 554, 5/3/88; 623, 10/5/93; 660, 4/2/96; 716, 9/4/01; 744, 11/4/03; 749, 12/2/03; 777, 2/7/06; 798, 11/6/07; 840, 4/5/11; 876, /13)

§ 9-206 BUILDING PERMITS; FIREPLACES AND WOOD BURNING STOVES.

The installation, erection, construction, repair, enlargement, or relocation of any fireplace or wood burning stove, within any building structure within the zoning jurisdiction of the Municipality, shall require a building permit as prescribed in section 9-201 of the Municipal Code, and in addition to the information therein required, the applicant shall also provide the following:

The manufacturer of such fireplace or wood burning stove; the model number; the physical dimensions of the fireplace or stove; the type of construction of chimney, and if commercially marketed, the name of its manufacturer and model numbers; drawings of the location of the fireplace or wood burning stove and chimney; a copy of the manufacturer's specifications for installation of said equipment; together with such other information as shall be prescribed on said permit application.

All installations, work and materials supplied pursuant to said building permit, shall be done in conformity with Chapter 37 of the Uniform Building Code 1973 Edition and related publications, as from

time to time amended, and shall be subject to inspection by the Building Inspector prior to the use of such fireplace, wood burning stove or chimney.

Clearance to all combustible services of said wood burning stoves, fireplaces, chimneys and accompanying equipment shall be according to manufacturer's specifications, unless they differ from the National Fire Protection Association Publication (HS10) or amendments thereto, in which event the more restrictive requirements shall apply. (*Ord. No. 471, 6/17/80*)

§ 9-207 POLE BUILDINGS; PROHIBITED; EXCEPTIONS.

No person shall construct or permit to be constructed within the residential area of the Municipality, or within the Municipal zoning jurisdiction, a pole or utility shed or similar structure which is constructed upon a pole frame unless:

(a) If within an R1 or R2 zone, said structure is constructed upon a frost depth 8" wide foundation wall around the perimeter of the building and has a 4" minimum concrete floor slab inside the structure; with a 30 PSF wind load on side walls and 30 PSF live load on roof, 720 square foot maximum, 10' -0" eave height max. shall be minimum construction standards. Roof slope will be considered at the time of building permit application. (*Ord. No. 725, 7/2/02*)

§ 9-208 PENALTIES FOR CONSTRUCTION WITHOUT A BUILDING PERMIT AND FAILURE TO COMPLY WITH A CEASE AND DESIST ORDER TO CEASE CONSTRUCTION WITHOUT BUILDING PERMIT.

No person shall construct or permit to be constructed within the Municipality or the zoning jurisdiction thereof, any building or other improvement for which a building permit is required by the Municipal Code without first obtaining approved building permit. Any person who shall violate or refuse to comply with Chapter 9 of the building code by failing to obtain an approved building permit prior to commencement of construction upon a building or other improvement for which a building permit is required, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in the amount of one hundred fifty dollars (\$150.00) for a first offense violation thereof; shall be fined two hundred fifty dollars (\$250.00) for a second offense violation thereof; and five hundred dollars (\$500.00) for a third offense violation thereof. In addition thereto any person shall continue construction of a building or other improvement for which a building permit is required without first obtaining an approved building permit in violation of a cease and desist order issued by the Building Inspector or Municipal Police, shall be guilty of a misdemeanor and may be fined not more than five hundred dollars (\$500.00) for each offense in addition to the penalty for failure to obtain a building permit. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply with a cease and desist order. (*Ord. No. 886, 12/2/14*)

ARTICLE 3: BUILDING CODE

§ 9-301 BUILDING CODE; ADOPTED BY REFERENCE.

(A) A certain document, a copy of which is on file in the office of the City Clerk of the City of Milford, Seward County, Nebraska, designated as the International Building Code, 2009 edition, as published by the International Code Council be and is hereby adopted as the Building Code for the City of Milford, in the State of Nebraska, for regulating and governing the condition and maintenance of all property, buildings and structures; by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Milford, Nebraska and its zoning jurisdiction; providing for the issuance of permits and collection of fees therefor, as fully as if set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (B) below.

(B) The following sections of the International Building Code, 2009 Edition, are hereby revised as follows: None. (*Amended by Ord. Nos. 76-397, 1/20/76; 475, 5/5/81; 502, 10/4/83; 572, 5/1/90; 767, 8/2/05; 847, 10/4/11*)

§ 9-302 EXISTING BUILDING CODE; ADOPTED BY REFERENCE.

(A) A certain document, a copy of which is on file in the office of the City Clerk of the City of Milford, Seward County, Nebraska, designated as the International Existing Building Code, 2009 edition, as published by the International Code Council be and is hereby adopted as the Existing Building Code for the City of Milford, in the State of Nebraska, for regulating and governing the condition and maintenance of all property, buildings and structures; by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Milford, Nebraska and its zoning jurisdiction; providing for the issuance of permits and collection of fees therefor, as fully as if set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (B) below.

(B) The following sections are hereby revised as follows: None. (*Ord. No. 766, 8/2/05*) (*Amended by Ord. No. 853, 10/4/11*)

ARTICLE 4: PLUMBING CODE

§ 9-401 PLUMBING CODE; ADOPTED BY REFERENCE.

(A) A certain document, a copy of which is on file in the office of the City Clerk of the City of Milford, Seward County, Nebraska, designated as the International Plumbing Code, 2009 edition, and appendix Chapters, as published by the International Code Council be and is hereby adopted as the Plumbing Code of the City of Milford, in the State of Nebraska, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Milford and its zoning jurisdiction; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the City of Milford, Nebraska are hereby referred to, adopted and made a part hereof, as if fully set forth in this section, with additions, insertions, deletions and changes, if any, prescribed in subsection (B) below.

(B) The following sections are hereby revised as follows: None. (*Amended by Ord. Nos. 769, 8/2/05; 849, 10/4/11*)

§ 9-402 PLUMBING CODE; 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 (.2%) percent lead, and
- 2) Pipe and pipe fittings - not more than eight (8%) percent lead.
(*Ref. 71-5301 RS Neb.*) (*Ord. No. 1988-558, 10/4/88*)

ARTICLE 5: ELECTRICAL CODE

§ 9-501 ELECTRICAL CODE; ADOPTED BY REFERENCE.

To provide certain minimum standards, provisions and requirements for safe and fire-proof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances shall be as found in the National Electrical Code, 2005 Edition (NFPA-70), standard of the National Board of Fire Underwriters, as recommended by the National Fire Protection Association and approved by the American Standards Association, and the most current version thereof which is from time to time adopted as the Electrical Code of the State of Nebraska, is hereby adopted as the minimum standard for the installation of all electrical apparatus, wiring, devices and equipment within the Municipality and its zoning jurisdiction, except as otherwise provided in this Article, and the same is made a part of this Article as fully and to the same extent as if copied herein in full. One copy of the Electrical Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the Electrical Code shall be controlling through the Municipality and throughout its zoning jurisdiction. *(Amended by Ord. Nos. 722, 3/12/02; 779, 6/6/06)*

§ 9-502 ARC FAULT INTERRUPTERS.

(Repealed by Ord. No. 735, 3/4/03)

§ 9-503 ELECTRIC LIGHT AND POWER SYSTEM; FRANCHISE.

(A) The City grants to Nebraska Public Power District the nonexclusive right and franchise for a period of twenty-five (25) years to erect, operate and maintain within said City an electric light and power system; and the right to construct, operate and maintain poles, conduits, wires and other necessary equipment, in, over, across or under the streets, alleys and public places in said City for the purpose of supplying electric energy to said City and its inhabitants, or to other cities, villages and communities and their inhabitants, or to others connected or to be connected to said system.

(B) Nebraska Public Power District shall have the authority to trim trees upon and overhanging the streets, alleys and public places of the City so as to prevent the branches of such trees from coming in contact with or endangering said electric light and power system.

(C) Nebraska Public Power District is hereby authorized to charge, collect and receive a reasonable compensation for electricity furnished to the City and its inhabitants, however, said District shall at no time during the existence of this franchise charge a greater sum for electric energy for light and power purposes than is charged by said District in other communities of a like size and under similar conditions. (*Ord. No. 785, 11/7/06*)

ARTICLE 6: WATER WELLS

§ 9-601 PLUMBING; WELL PERMIT.

It shall be unlawful for any person or persons to dig, drill or construct a well within the corporate limits of the City without first having obtained a permit therefor from the City Council. The applications for private well permits shall be obtained from the office of the City Clerk and shall set forth:

(1) *Location of proposed well in conjunction with sewers.* No well shall be located within twenty-five (25) feet of any sewer line, private or public. No well shall be located within fifty (50) feet of any septic tank or within one hundred (100) feet of any disposal field.

(2) *Location of proposed well in conjunction with water lines.* No well shall be located within twenty-five (25) feet of any water line, private or public.

(3) *Minimum clearance from property line of five (5) feet.* No well shall be installed in any easement on the property.

(4) Depth of proposed well.

(5) Size and type of casing to be installed.

(6) Pumping equipment to be used.

(7) Name and address of well driller.

(8) Assurance that no water from the private well shall be used for domestic purposes, but shall be used solely for lawn irrigation and garden irrigation or for water used in heating or cooling equipment. Any permits required by the State of Nebraska and the Upper Big Blue Natural Resource District must be submitted prior to issuance of a permit by the City. Disposal of water for heating or cooling shall be through re-injection back to the same level of aquifer, except that during the spring, summer and fall months such water used for heating or cooling may be used for irrigation of lawn or garden. No water from the private well shall be allowed to run off into a City storm water sewer. In addition, assurance shall be given that water from the private well shall be used exclusively on the property the well is located.

(9) Assurance that the property owner will install and maintain proper backflow prevention devices as approved by the Utilities Superintendent.

(10) Assurance that a well log will be recorded by the well driller and filed with the City Clerk prior to use of said well.

(11) Assurance that the Utilities Superintendent may inspect said well during construction and any time thereafter; and that at least twenty-four (24) hours prior to well drilling, the well driller shall contact the Utilities Superintendent for final site approval. Such application shall be accompanied with an application fee of one hundred dollars (\$100.00) which shall cover the inspections, no part of which is refunded if the application is denied. (*Ord. No. 829, 11/3/09*)

§ 9-602 PLUMBING; WELL DRILLERS REGISTRATION BOND AND INSURANCE; NOTIFICATION OF UTILITIES SUPERINTENDENT.

(1) Every well driller, before doing business in the City, shall be registered with the City. Registration forms may be obtained from the City Building Inspector. A registration fee of twenty-five dollars (\$25.00) per year shall be required. Each well driller shall obtain and file with the City a personal surety bond in the sum of ten thousand dollars (\$10,000.00) signed by one (1) or more sufficient sureties or a bond in a like amount of some approved corporate surety company doing business in the City to be approved by the Mayor and Council, conditioned that the licensee shall indemnify and hold harmless the City of and from all accidents, damages, liability, claims, judgment, costs or expense caused by any negligence arising from a failure to protect such drilling work, or by any unfinished, unskilled and inadequate work done in pursuance of his registration to drill wells, or using out of furnishing defective material or from failure to execute and perform any work during the period of such driller's registration. The obligee of said bond shall be the City and action may be maintained thereon by anyone injured by a breach of its conditions for a period of one (1) year after the completion of any drilling work. All bonds tendered by drillers shall be approved in writing, as to form and substance by the City Attorney. The applicant shall also provide a Certificate of Liability coverage with bodily injury coverage in the sum of at least one million dollars (\$1,000,000.00) for the injury or death of any number of persons in any one (1) accident exclusive of insurance defense costs, and with a coverage of the sum of at least one million dollars (\$1,000,000.00) for property damage in any one (1) accident, exclusive of insurance defense costs.

(2) Well drillers shall contact the Water/Wastewater Superintendent at least twenty-four (24) hours in advance of commencement of any work to advise him of the location and time drilling is to take place in order that final site approval may be given. (*Ord. No. 829, 11/3/09*)

§ 9-603 PLUMBING; TEMPORARY WELL PERMIT.

The City may grant a temporary well permit when an emergency is determined to exist for purposes other than lawn and garden irrigation. In granting said permit, the City may establish conditions under which said well is operated, including the purposes therefore, its location, the period of time during

which such well shall be operated, conditions for the closing and capping of such well and such safety requirements as the Council may provide and such other conditions as may protect the health and welfare of the City. The application for a temporary well permit shall give the same information as required for a regular well permit and shall be accompanied with an application fee of one hundred dollars (\$100.00), no part of which shall be refunded if application is denied. (*Ord. No. 829, 11/3/09*)

§ 9-604 PLUMBING; ABANDONED PLUMBING WELLS.

All abandoned wells shall be properly abandoned, closed up or destroyed in accordance with the rules and regulations of the Upper Big Blue Natural Resources District and in accordance with the Nebraska Department of Health Title 178 NAC 12 and all amendments thereto and amended editions and any supplements thereto. Whenever the Water/Wastewater Superintendent shall find a well which has been improperly abandoned and discontinued for use, it shall be his/her duty to notify or inform the owner of the property on which such well is located, in writing, that such well must be abandoned in accordance with this Article within thirty (30) days of the time of service of such notice. Upon failure of the owner of the property upon which said well is located to comply with such order, the Water/Wastewater Superintendent shall cause the well to be properly abandoned, assessing the costs and expense to the property and the property owner upon which such well is located. (*Ord. No. 829, 11/3/09*)

§ 9-605 PLUMBING; WELLS; CROSS CONNECTIONS PROHIBITED.

No cross connections shall be allowed from a private well to or from the City water system. It shall be the duty of the owner or occupant of the property to give the Utilities Superintendent free access to the property at reasonable times for the purpose of making a cross connection inspection. If the Utilities Superintendent is denied entry to make said inspection, a judicial order for entry into and onto the property shall be obtained. If the Utilities Superintendent of the City finds that a cross connection exists, then he shall order the use of the private well to be permanently discontinued. The owner, tenant and lessee shall be liable severally and jointly for all damages to the City water system and users of the City water system caused by such cross connection. (*Ord. No. 829, 11/3/09*)

§ 9-606 PLUMBING; WELLS; SPECIFICATIONS: DISCONTINUANCE BY COUNCIL.

The City shall have power and authority to refuse to issue well drilling permits if it appears that the plan of drilling and construction is not sound, or the proposed driller does not have proper equipment, or if it appears that such well may endanger, impair or in any way interfere with the Municipal Public Water System of the City. (*Ord. No. 829, 11/3/09*)

§ 9-607 PLUMBING; WELLS; NEBRASKA MINIMUM STANDARDS ADOPTED.

The *Minimum Standards for a Private Water Well in Nebraska*, 1972 Edition, are hereby adopted and such minimum standards, including all subsequent editions, amendments, supplements or appendices thereto are made a part of this Article as fully as if set forth at length herein. One (1) copy of said Minimum Standards shall be placed on file with the City Clerk, and any and all subsequent additions, amendments or supplements or appendices thereto shall be placed on file with the City Clerk. (*Ord. No. 829, 11/3/09*)

§ 9-608 PLUMBING; WELLS; SIGN.

All spigots or other connections to or from a private well shall have a sign thereon stating that water is not safe for drinking, and said sign shall be continually maintained visibly upon said private well. (*Ord. No. 829, 11/3/09*)

§ 9-609 PLUMBING; WELLS: RESPONSIBILITY.

The owner or the occupant of the property upon which a private well is located shall be responsible jointly and severally for all water usage from said private well. (*Ord. No. 829, 11/3/09*)

§ 9-610 PLUMBING; WELLS: DISCONTINUANCE.

The City Council may order the discontinuance of the use of a private well or wells where it has reason and cause to believe that the public health is endangered, and for that purpose may revoke and cancel any well permit or renewal of such permit after notice and hearing. Such permit or renewal thereof may be revoked and canceled by the City upon violation of any of the terms and provisions of this Article by the permittee or his successor in the interest to the property upon which such well is located or its occupants, in and to any private well after notice and hearing. (*Ord. No. 829, 11/3/09*)

§ 9-611 PLUMBING; WELLS; CONSENT BY PERMITTEE, ETC.

The granting of a well permit or the renewal thereof to a permittee or its successors in interest shall constitute consent and shall grant consent by the permittee or any tenant thereon to and for the Water/Wastewater Superintendent of the City or his agents or employees to enter upon the premises upon which the well is located in order to take any action required by the Water/Wastewater Superintendent by this Article and to determine whether or not there is any violation of this Article by said well or the use thereof. (*Ord. No. 829, 11/3/09*)

§ 9-612 PLUMBING; PENALTY.

Any person who shall violate or refuse to comply with the enforcement of any provisions of sections 9-601 through 9-611 shall be subject to the penalty provided in Section 12-101 of the Municipal Code. *(Ord. No. 829, 11/3/09)*

§ 9-613 WATER WELLS; WELLHEAD PROTECTION; AREAS DELINEATED; PROGRAM.

(1) The City of Milford, Nebraska hereby recognized the State Wellhead Protection Program, mandated by the Environmental Protection Agency and administered by the Nebraska Department of Environmental Quality.

(2) The City of Milford, Nebraska, hereby delineates and established the following "Wellhead Protection Areas" (WHPA'S) through which human-caused contamination could be reasonably expected to be drawn into the Municipal water supply, the outer limits of which are the 20-year-time-of-travel threshold, to-wit:

- (a) Well 1988-1 (Welch Park), 2,600 foot radius, or 5,200 foot diameter around well.
- (b) Well 1988-2 (South Park), 3,300 foot radius or 6,600 foot diameter around well.
- (c) Well 1964-3, 2,000 foot radius, or 4,000 foot diameter around well.
- (d) Well 1973-4, 2,000 foot radius, or a 4,000 foot diameter around well.

(3) The Wellhead Protection Areas are graphically set forth on the WHPA map attached hereto and incorporated by reference.

(4) The City of Milford shall develop and implement a Wellhead Protection Program in conjunction and cooperation with the Nebraska Wellhead Protection Program, with other governmental bodies participating herein. *(Ord. No. 1992-605, 11/3/92)*

ARTICLE 7: INTERNATIONAL RESIDENTIAL CODE

§ 9-701 INTERNATIONAL RESIDENTIAL CODE; ADOPTED BY REFERENCE.

(A) A certain document, a copy of which is on file in the office of the City Clerk of the City of Milford, Seward County, Nebraska, designated as the International Residential Code, 2009 Edition, and appendix Chapters, as published by the International Code Council be and is hereby adopted as the Residential Code of the City of Milford, in the State of Nebraska, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one (1) and two (2) family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress in the municipal zoning jurisdiction; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City of Milford, Nebraska are hereby referred to, adopted and made a part hereof, as if fully set forth in this section, with additions, insertions, deletions and changes, if any, prescribed in subsection (B) below.

(B) The following sections are hereby revised as follows: None. (*Ord. No. 724, 4/2/02*) (*Amended by Ord. Nos. 768, 8/2/05; 848, 10/4/11*)

ARTICLE 8: INTERNATIONAL MECHANICAL CODE

§ 9-801 INTERNATIONAL MECHANICAL CODE; ADOPTED BY REFERENCE.

(A) A certain document, a copy of which is on file in the office of the City Clerk of the City of Milford, Seward County, Nebraska, designated as the International Mechanical Code, 2009 edition, and appendix Chapters, as published by the International Code Council be and is hereby adopted as the Mechanical Code of the City of Milford, in the State of Nebraska, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Milford and its zoning jurisdiction; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the City of Milford, Nebraska are hereby referred to, adopted and made a part hereof, as if fully set forth in this section, with additions, insertions, deletions and changes, if any, prescribed in subsection (B) below.

(B) The following sections are hereby revised as follows: None. (*Ord. No. 770, 8/2/05*) (*Amended by Ord. No. 851, 10/4/11*)

ARTICLE 9: ENERGY CONSERVATION CODE

§ 9-901 ENERGY CONSERVATION CODE; ADOPTED BY REFERENCE.

(A) A certain document, a copy of which is on file in the office of the City Clerk of the City of Milford, Seward County, Nebraska, designated as the Nebraska Energy Code a/k/a IECC 2009/ASHRAE 90.1-2007, be and is hereby adopted as the Energy Conservation Code of the City of Milford, in the State of Nebraska, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issue of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Nebraska Energy Code on file in the office of the City of Milford, Nebraska, are hereby referred to, adopted and made a part hereof, as fully as if set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (B) below.

(B) The following sections are hereby revised: None. (*Ord. No. 765, 8/2/05*) (*Amended by Ord. No. 852, 10/4/11*)

ARTICLE 10: INTERNATIONAL FUEL GAS CODE

§ 9-1001 INTERNATIONAL FUEL GAS CODE; ADOPTED BY REFERENCE.

(A) A certain document, a copy of which is on file in the office of the City Clerk of the City of Milford, Seward County, Nebraska, designated as the International Fuel Gas Code, 2009 Edition, be and is hereby adopted as the Fuel Gas Code of the City of Milford, in the State of Nebraska, for regulating the design and installation of fuel gas systems and gas-fired appliances through requirements that emphasize performance; providing for the issue of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fuel Gas Code on file in the office of the City of Milford, Nebraska, are hereby referred to, adopted and made a part hereof, as fully as if set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (B) below.

(B) The following sections are hereby revised: None. (*Ord. No. 850, 10/4/11*)

ARTICLE 11: PENAL PROVISIONS

§ 9-1101 VIOLATION; PENALTY.

(Repealed by Ord. No. 703, 4/4/00)

For penalty provisions, see section 12-101 of Chapter 12.

§ 9-1102 ABATEMENT OF NUISANCE.

Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref. 18-1720, 18-1722 RS Neb.)*

