

CHAPTER 177: LAND USAGE

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GENERAL PROVISIONS**§ 177.01 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, the National Electrical Code, 1975 Edition, as recommended and published by the National Fire Protection Association, and printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. 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 throughout the municipality and throughout its zoning jurisdiction. (Prior Code, § 9-701)

§ 177.02 RESIDENTIAL CODE ADOPTED BY REFERENCE.

(A) The International Residential Code, 2012 Edition, including Appendix Chapters A - Q, as published by the International Code Council, Inc., is hereby adopted as the Residential Code of this municipality for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the municipality and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions, and terms of the Residential Code are hereby referred to, adopted, and made a part hereof as if fully set out in this section, with the additions, insertions, deletions, and changes, if any, prescribed in this section. The Residential Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as such code does not conflict with the Statutes of the State of Nebraska. One copy of the Residential 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 Residential Code shall be controlling throughout the municipality and throughout its zoning jurisdiction.

(B) Nothing in this section or in the Building Code or Residential Code shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section. (Prior Code, 9-502) (Am. Ord. 541, passed 10-20-15)

§ 177.03 BUILDING CODE ADOPTED BY REFERENCE.

(A) The International Building Code, 2012 Edition, including Appendix Chapters A - M, as published by the International Code Council, Inc., is hereby adopted as the Building Code of this municipality for establishing the minimum regulations governing the conditions and maintenance of all property, buildings, and structures, providing the 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 providing for the condemnation of buildings and structures unfit for human occupancy and use and for the demolition of such buildings and structures. Each and all of the regulations, provisions, penalties, conditions, and terms of the Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions, and changes, if any, prescribed in this section. The Building Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as such code does not conflict with the Statutes of the State of Nebraska. One copy of the Building 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 Building Code shall be controlling throughout the municipality and throughout its zoning jurisdiction.

(B) Nothing in this section or in the Building Code or Residential Code shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section. (Prior Code, § 9-501) (Am. Ord. 541, passed 10-20-15)

§ 177.04 MECHANICAL CODE ADOPTED BY REFERENCE.

To provide certain minimum standards, provisions, and requirements for safe and stable design, installation, methods of construction and connection and uses of materials in the installation of heating, cooling and ventilating equipment; gas, liquid and solid fuel piping equipment; mechanical refrigeration; incinerator and crematory equipment; fireplaces, fire protection systems; and air pollution control systems, the Uniform Mechanical Code, 1973 Edition, as recommended and published by the International Association of Plumbing and Mechanical Officials, and printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. Three copies of the Mechanical Code are on file at the office of the Municipal Clerk and are available for public inspection

at any reasonable time. The provisions of the Mechanical Code shall be controlling throughout the municipality and throughout its zoning jurisdiction.

(Prior Code, § 9-801)

§ 177.05 PLUMBING CODE ADOPTED BY REFERENCE.

To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and heating, the Uniform Plumbing Code, 1988 Edition, published by the International Association of Plumbing and Mechanical Officials filed with the Library of Congress Card. No. 78-073077, and printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska. One copy of the Plumbing 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 Plumbing Code shall be controlling throughout the municipality and throughout its zoning jurisdiction.

(Prior Code, § 9-601)

ZONING AND SUBDIVISIONS

§ 177.20 ZONING REGULATIONS ADOPTED BY REFERENCE.

(A) The Zoning Regulations and Official Zoning Map for the City of North Bend, Nebraska, dated 2010, prepared by JEO Consulting Group, Inc. for the City of North Bend, recommended by the North Bend Planning Commission on April 15, 2010, and approved by the North Bend City Council on April 20, 2010, be and the same is hereby adopted as the official Zoning Regulations and Zoning Map of the City of North Bend, Nebraska.

(B) Three copies of the Zoning Regulations and one Official Zoning Map of the City of North Bend, Nebraska, are on file and shall be kept in the office of the City Clerk of the City of North Bend, Nebraska for public inspection during office hours.

(Ord. 494, passed 4-20-10; Am. Ord. 505, passed 6-21-11; Am. Ord. 506, passed 6-21-11; Am. Ord. 507, passed 6-21-11; Am. Ord. 508, passed 9-20-11; Am. Ord. 513, passed 6-19-12; Am. Ord. 517, passed 9-4-12; Am. Ord. 539, passed 10-6-15; Am. Ord. 544, passed 2-3-16; Am. Ord. 553, passed 12-20-16; Am. Ord. 565, passed 12-4-18)

§ 177.21 ZONING AND SUBDIVISION FEES.

(A) The following fees shall be required:

Replats, small tracts and lot splits:	\$100.00
Preliminary plat:	\$100.00 + \$2.00 per lot
Revised preliminary plat:	\$50.00 + \$2.00 per lot
Final plat:	\$100.00 + \$2.00 per lot
Vacation of plat:	\$100.00

(B) In addition, the applicant is responsible for all filing fees, legal fees, mailing fees, and any advertising costs, which shall be billed to the applicant and paid within 45 days of billing.

(C) The following additional fees shall be required for all subdivisions using sanitary and improvement district (SID) financing:

(1) The district shall pay to the city 1% of the estimated total construction cost of improvements as shown on the subdivision application source and use of funds form. This amount is to be paid at the time the City Engineer approves the plans and specifications for the improvements.

(2) At the time of acceptance of the work, the actual fee shall be determined on the basis of 1% of final construction costs, as verified by the City Engineer. Any variance between the estimated fee payment and the actual fee payment shall be adjusted and paid by the district, or refunded to the district.

Conditional Use Permit Applications	\$35.00
Flood Plain Development Permit	\$100.00
(a) Variance	\$100.00
Tower Development Permit	\$100.00
Future Land Use Map Amendment	\$75.00
Zoning Map Amendment	\$75.00
Zoning Regulation Text Amendment	\$75.00
Subdivision Regulation Text Amendment	\$75.00
Comprehensive Plan Text Amendment	\$75.00
Preliminary CMD (includes rezoning)	\$100.00
Final CMD	\$100.00

(3) In addition to the application fees, the applicant is responsible for all advertising costs, filing fees, legal fees, mailing expense and engineering review costs, which shall be billed to the applicant and paid within 45 days of billing.

(Prior Code, § 12-102) (Am. Ord. 488, 11-18-08; Am. Ord. 514, passed 7-3-12; Am. Ord. 536, passed 7-14-15)

§ 177.22 SUBDIVISION REGULATIONS ADOPTED BY REFERENCE.

For the purpose of providing for the orderly development of North Bend and its environs by insuring, through the prescribed rules and standards, functional arrangements of street layouts; open spaces; adequate community facilities and utilities, to coordinate development with the city's transportation, land use and capital facilities plan, and to generally provide conditions favorable for the health, safety and convenience of the community, the Subdivision Regulations of North Bend, Nebraska, published in pamphlet form, and adopted by Ordinance 406, October 18, 1999 are hereby incorporated by reference. One copy of the Subdivision Regulations shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours.

(Prior Code, § 11-101)

BUILDING MOVING

§ 177.30 REGULATIONS.

(A) It shall be unlawful for any person, firm, or corporation to move any building or structure within the municipality or from outside the city limits or its one surrounding mile of special jurisdiction into the city limits or into another site in its one surrounding mile of special jurisdiction without a written permit to do so; provided, however, that such a permit is not required for the moving into or out of the city or its one surrounding mile of special jurisdiction a residential modular housing unit as defined in Neb. RS 71-1557 bearing the seal of the Nebraska Public Service Commission for a designated dwelling unit to be located singularly on a lot and occupied by one family, which is a manufactured factory home built in compliance with the Nebraska Uniform Standards for Modular Housing Unit Act as found in Neb. RS 71-1555 to 71-1568, as amended. Application shall be made to the Municipal Clerk, and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used. The application for said permit shall be accompanied by a fee determined by the governing body and an Affidavit duly notarized, sworn by the person, or office of the firm or corporation, applying for said permit stating that he, she or it has:

(1) Made a search of the records in the Register of Deeds office of Dodge County, Nebraska and that from said records has been found the names of the record title owners of property

within 500 feet of the proposed location on which it is planned to place said building or structure (setting forth the name and address of each owner); and

(2) Provided to the Clerk a petition or petitions consenting to the application to move said building having signatures of owners within said 500 feet, giving the land description to be used and the type and size and purpose of building, which includes a statement that each signer has seen a picture of the building to be moved in, which petition or petitions shall be presented to the City Clerk along with Affidavit. If 100% of the owners have signed a petition or petitions approving the moving, then no special hearing is required and the Mayor and Council may grant the permit at any meeting. If there is one record owner who has not approved the moving by not signing the petition or petitions, then the City Clerk shall fix a time and place for a special hearing on said application and shall, not less than 21 days before date fixed for said hearing, notify in writing all said property owners, as they are found in the Affidavit, to appear, or said owners may file written protests to the issuance of said permit not later than the time fixed for said hearing.

(B) Upon said special hearing of said application or at a regular meeting if no special meeting is held, the Mayor and Council, if satisfied by the applicant that the erection of the building or structure would not be a nuisance, or detrimental to the property value of adjoining property owners, may issue said permit, with such conditions as are reasonably appropriate for said property owners. Any permit granted hereunder expires one year from the date of issuance. Applicant may reapply after one year by complying again with the provisions of this section. The applicant shall provide such other information as the governing body may require. The Municipal Clerk shall refer the said application to the Police authority of the city or city's Building Inspector 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 in the amount of \$10,000 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 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 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.

(C) No moving permit shall be required to move a building that is designed to be transported and is 14 feet wide, or less, and when in a position to move, 18 feet high, or less; provided that the removal

of a building from a site within the city or one mile jurisdiction or the placement of such limited size building shall comply with all building ordinances and regulations governing the use and location of the property on which the building is placed or has been moved from within the city or its one mile jurisdiction. Further should the removal or placement of such limited size building require the mover of such limited size building to perform any of the activities required by a licensed mover and/or the city as set forth above, said mover must comply with said requirements.

(Prior Code, § 9-401)

§ 177.31 MOVING REGULATIONS FOR MANUFACTURED SINGLE FAMILY RESIDENTIAL HOME.

(A) For purposes of this section, ***MANUFACTURED HOME*** shall mean:

(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 Manufactured Home Construction and Safety Standards, 24 CFR 3280 *et seq.*, promulgated by the United States Department of Housing and Urban Development; or

(2) A modular housing unit as defined in Neb. RS 71-1557 bearing a seal of the Public Service Commission of the State of Nebraska issued after May 1, 1998, or of the Department of Health and Human Services Regulation and Censure issued prior to May 1, 1998, in accordance with the Nebraska Uniform Standards for Modular Housing Units Act. Neb. RS 71-1555 to 71-1568.01 as of May 1, 1999 or later amended, entitled Nebraska Standards for Modular Housing, apply to the placement of manufactured houses within the city and its surrounding one mile of jurisdiction. The owner of a manufactured home located and installed on property within the city and its surrounding one mile jurisdiction is required to comply with same standards for permanent foundation system, permanent utility connections, setback lines, and minimum square footage which would apply to a site-built, single family dwelling on the same lot.

(B) Any manufactured home located and installed within the city or its surrounding one mile jurisdiction shall meet the following standards:

(1) The home shall have no less than 900 square feet of floor area;

(2) The home shall have no less than an 18 foot exterior width;

(3) The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches 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, axles, transporting lights, and removable towing apparatus removed; and

(7) Nothing in this section shall be deemed to supersede any valid restrictive covenants of record applying to the location of the manufactured home.

(C) The provision of this section shall not apply to mobile type homes required to be in mobile home parks and are located in such parks.

(D) If a trailer, modular, double-wide home, or manufactured home is moved off of a lot, then any replacement to be moved onto said lot must comply with the requirements of this section. The building permit fees and inspection fees charged by city are applicable to houses within the scope of this section. It shall be unlawful for any person, corporation or entity to fail to comply with this section and such failure is subject to the building stop order authority in the city.

(Prior Code, § 9-404)

MOBILE HOME PARKS

§ 177.40 LICENSE TO OPERATE.

It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned or controlled by him, a mobile home park within the city without having first secured a license therefor from the city, granted and existing in compliance with the terms of this subchapter. Such license shall expire one year from the date of issuance but may be renewed under the provisions of this subchapter for additional periods of one year.

(Prior Code, § 10-407)

§ 177.41 APPLICATION FEE, AND BOND REQUIRED.

(A) The application for a license pursuant to this subchapter or the renewal thereof shall be filed with the City Clerk and shall be accompanied by a fee of \$100 for each mobile home park. The

application for a license or a renewal thereof shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the trailer camp and make the application), and such legal description of the premises, upon which the mobile home park is or will be located, as will readily identify and definitely locate the premises.

(B) The application shall be accompanied by a copy of the mobile home park plan showing the following, either existing or as proposed:

- (1) The extent and area used for mobile home park purposes.
- (2) Roadways and driveways.
- (3) Location of sites or units for mobile homes.
- (4) That there has been proper conformance with city building, zoning, plumbing and other regulations.
- (5) Method and plan of sewage disposal.
- (6) Method and plan of garbage removal.
- (7) Plan for water supply.
- (8) Plan for electricity for units.

(Prior Code, § 10-408)

§ 177.42 RECOMMENDATION AND ISSUANCE.

Before any license pursuant to this subchapter may be issued, there shall be a favorable determination by the City Council.

(Prior Code, § 10-409)

§ 177.43 CONVEYS NO RIGHTS AS TO BUILDING, PLUMBING OR ELECTRICAL WORK.

Licenses issued under the terms of this subchapter convey no right to erect any building, to do any plumbing work or to do any electrical work without such further permit as may be otherwise required.

(Prior Code, § 10-410)

§ 177.44 LICENSE REVOCATION.

The City Council is hereby authorized to revoke any license issued pursuant to the terms of this subchapter if after due investigation it is determined that the holder thereof has violated any of the provisions of this subchapter or that any mobile home or mobile home park, is being maintained in an unsanitary or unsafe manner or is a nuisance.

(Prior Code, § 10-411)

§ 177.45 ZONING APPLICATION.

(A) No mobile home park shall be located in any residential or business and industrial zone except as authorized and in compliance with Zoning Ordinances.

(B) No mobile home park shall be located within the city unless city water and sewer connections and fire protection facilities are available.

(C) No occupied mobile home shall be located within the city within the recognized setback line for the zoning district in which such mobile home is located not less than ten feet from any other building or vehicle or the boundary line of the tract on which such trailer is located.

(Prior Code, § 10-412)

§ 177.46 GRADING AND DRAINAGE.

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

(Prior Code, § 10-413)

§ 177.47 LAYOUT.

Mobile home units shall be clearly designated and the parks so arranged that all units shall face or abut on a driveway of not less than 16 feet in width, giving easy access from all units to a public street. Such driveway shall be at least graveled or cindered and maintained in good condition, having proper drainage into the city's Drainage System, and shall not be obstructed.

(Prior Code, § 10-414)

§ 177.48 WASTE AND GARBAGE DISPOSAL.

(A) *Sanitary waste disposal generally.* All waste from showers, toilets, faucets and lavatories shall be wasted into a sewer system extended from and connected with the city sewer system.

(B) *Prohibited connections.* All sanitary facilities in any mobile home which are not connected with the City Sewer System by means of rigid pipe connections shall be sealed and their use is hereby declared unlawful.

(Prior Code, § 10-415)

§ 177.49 APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING REGULATIONS.

All plumbing, electrical, building and other work on or at any mobile home park licensed under this subchapter shall be in accordance with the provisions of this code and ordinances of the city regulating such work unless any such provisions or ordinances are specifically made inapplicable under the terms of this subchapter.

(Prior Code, § 10-416)

FLOOD PLAIN REGULATIONS

§ 177.60 FLOOD PLAIN REGULATIONS ADOPTED BY REFERENCE.

The Flood Plain Management Regulations for the City of North Bend are hereby adopted by reference as if fully set forth herein. Three copies of the Flood Plain Management Regulations are on file and shall be kept in the office of the City Clerk of the City of North Bend, Nebraska for public inspection during office hours.

(Ord. 550, passed 10-18-16)

COMPREHENSIVE PLAN

§ 177.70 COMPREHENSIVE PLAN; ADOPTED BY REFERENCE.

(A) The Comprehensive Plan for the City of North Bend, Nebraska, dated 2010, prepared by JEO Consulting Group, Inc. for the City of North Bend, recommended by the North Bend Planning Commission on April 15, 2010, and approved by the North Bend City Council on April 20, 2010, be and the same is hereby adopted as the Comprehensive Development Plan of the City of North Bend, Nebraska.

(B) Three copies of the Comprehensive Plan of the City of North Bend, Nebraska, are on file and shall be kept in the office of the City Clerk of the City of North Bend, Nebraska for public inspection during office hours.

(Ord. 493, passed 4-20-10; Am. Ord. 534, passed 1-6-15)