

**TITLE XV: LAND USAGE**

Chapter

**150.GENERAL PROVISIONS**

**151.SUBDIVISION REGULATIONS**

**152.BUILDING REGULATIONS**

**153.MOBILE HOME PARKS**

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## CHAPTER 150: GENERAL PROVISIONS

### Section

150.01 Municipal limits; defined

150.02 Original plats

### **§ 150.01 MUNICIPAL LIMITS; DEFINED.**

All additions, lots, lands, subdivisions and parcels of ground included within the official village map, and plat on file at the office of the County Register of Deeds, having been by act or ordinance of the governing body or by law duly annexed to or made a part of this village, or having been by the act, authority, acquiescence, consent, platting and dedication of their respective owners, created either as the original town site or as additions to the village are hereby declared to be within the corporate limits of the village. Lawfully constituted additions or changes in the village limits shall be indicated upon the maps and plat by the Village Engineer or governing body after the addition or change has been completed in accordance with the ordinances of this village and the laws of the state.

(1976 Code, § 11-101)

### **§ 150.02 ORIGINAL PLATS.**

Each and all plats, lots, blocks, additions, subdivisions, outlots and parcels of ground included within the corporate limits of the village, and not vacated of record prior to the enactment of this chapter, including the original plat of the village, are hereby accepted, approved and confirmed as valid, and each and all of the lots, blocks, additions, subdivisions and outlots as heretofore platted and recorded in the office of the County Register of Deeds, and not heretofore vacated, and all other parcels of ground, included within the corporate limits, are hereby declared to be within the village and an integral part thereof.

(1976 Code, § 11-102)



## CHAPTER 151: SUBDIVISION REGULATIONS

### Section

- 151.01 Subdivisions and additions
- 151.02 Survey and plat
- 151.03 Surveyor's certificate
- 151.04 Dedication
- 151.05 Streets and alleys
- 151.06 Approval of plat and subdivision
- 151.07 Recording plat
- 151.08 Additions
- 151.09 Planning, zoning, development; platting; designation of extraterritorial jurisdiction
  
- 151.99 Penalty

### § 151.01 SUBDIVISIONS AND ADDITIONS.

The owner of any tract of land within the corporate limits of the village, or within one mile contiguous thereto, may lay out the land into lots, blocks, streets, avenues and alleys as a suburban development or as an addition to the village upon conformance to and compliance with the conditions herein and with the state statutes.

(1976 Code, § 11-201)

***Statutory reference:***

*Related provisions, see Neb. RS 17-405, 17-426, 17-1002, 19-902*

### § 151.02 SURVEY AND PLAT.

(A) The owner or proprietor of any tract or parcel of land within the corporate limits or within one mile thereof, desiring to subdivide or lay out the tract of land, shall cause the same to be accurately surveyed and an accurate map or plat thereof made with reference to known or permanent monuments and the map or plat shall explicitly describe the land so laid out.

(B) The map or plat shall designate the tract as “..... Addition to the Village of Potter, Nebraska”, or “Subdivision of the Village of Potter, Nebraska”, whichever is appropriate.

(C) The lots and blocks shall be designated by numbers, and the streets and avenues by names coinciding with the streets and avenues of the village of which they form continuations.

(D) The plat shall show the length and depth of the lots, and the width and course of all streets, avenues and alleys, together with an accurate plat of all lots, blocks and streets.

(1976 Code, § 11-202)

**Statutory reference:**

*Related provisions, see Neb. RS 17-405, 17-1002, 17-1003, 19-902*

### § 151.03 SURVEYOR'S CERTIFICATE.

The map or plat shall be accompanied by a certificate from the surveyor making the survey and plat, that he accurately surveyed the tract and that the lots, blocks, streets, avenues and alleys are accurately shown upon the map or plat.

(1976 Code, § 11-203)

**Statutory reference:**

*Related provisions, see Neb. RS 17-405, 17-1003, 19-902*

### § 151.04 DEDICATION.

(A) The map or plat shall have written thereon, or attached hereto, a dedication to this village for the use of the public, of all streets, avenues, alleys, parks, squares and commons, and all land set apart for public use or dedicated to charitable, religious and educational purposes as therein mentioned and described.

(B) The dedication shall be signed by the owner of the tract of land, and shall be duly acknowledged as required bylaw.

(1976 Code, § 11-204)

**Statutory reference:**

*Related provisions, see Neb. RS 17-417, 17-1003*

### § 151.05 STREETS AND ALLEYS.

Streets and alleys laid out in any addition to or in any suburban development of the village shall be continuous with and correspond in direction and width to the streets and alleys of the village to which they are an addition.

(1976 Code, § 11-205)

**Statutory reference:**

*Related provisions, see Neb. RS 17-418, 17-1003*

**§ 151.06 APPROVAL OF PLAT AND SUBDIVISION.**

(A) Before any map or plat and any subdivision shall have any validity, it must first be submitted to and be approved and accepted by the Board of Trustees of the village.

(1) Where the county has both adopted a comprehensive development plan and is enforcing subdivision regulations, and the proposed subdivision plat both contemplates public streets or improvements, and lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by the county, then the County Planning Commission shall be given six weeks to officially comment on the appropriateness of the design and improvements proposed in the plat.

(2) The review period for the Commission shall run concurrently with subdivision review activities of the village after the Commission receives all available material for a proposed subdivision plat.

(B) The Board of Trustees, prior to approving a proposed plat and proposed subdivision, may impose requirements, including but not limited to, those set forth in “The Village of Potter Comprehensive Development Plan” and compliance with the requirements shall also be necessary to warrant approval of the plat and subdivision. However, even if the plat and subdivision complies with requirements, including those set forth in “The Village of Potter Comprehensive Development Plan”, the Board of Trustees may refuse to approve the plat and subdivision if, in the judgment of the Board of Trustees, the platting and development of the site for the proposed purposes or in the proposed manner, or for other reasons, would not be in the public interest.

(C) Furthermore, before any map, plat or subdivision shall be finally approved, the owner, or proprietor shall pay, or cause to be paid, all taxes, special taxes and special assessments due thereon, and shall produce a certificate showing that all the taxes and assessments have been paid or canceled. (1976 Code, § 11-206) (Ord. 102, passed 12-4-1978; Ord. 272, passed 9-9-1996)

**§ 151.07 RECORDING PLAT.**

(A) If a majority of all members of the governing body shall vote in favor of the suburban development or annexation, an ordinance shall be prepared and passed by the governing body granting the approval or declaring the annexation of the territory to the corporate limits of this village, and extending the limits thereof accordingly, whichever is appropriate.

(B) An accurate map, or plat of the territory and the dedication as hereinbefore described, certified by the engineer or surveyor, and acknowledged and approved as provided by law in the cases, shall at once be filed and recorded by the owner or proprietor of the land in the office of the Register of Deeds

of the county, together with a certified copy of the ordinance granting approval or declaring the annexation, under the seal of the village; provided, that plats and subdivisions are not authorized to be recorded if the plat or subdivision has not been approved by the governing body.

(1976 Code, § 11-207) (Ord. 156, passed 6-6-1983)

***Statutory reference:***

*Related provisions, see Neb. RS 17-405, 17-416, 17-417, 17-1002, 19-902, 23-1506*

**§ 151.08 ADDITIONS.**

All additions to this village which have heretofore been approved and accepted, or which may hereafter be laid out in accordance with the provisions herein and accepted and approved, shall be and become incorporated in this village for all purposes whatsoever, and inhabitants of the additions shall be entitled to all the rights and privileges and be subject to all the laws and regulations of the village.

(1976 Code, § 11-208)

***Statutory reference:***

*Related provisions, see Neb. RS 19-902*

**§ 151.09 PLANNING, ZONING, DEVELOPMENT; PLATTING; DESIGNATION OF EXTRATERRITORIAL JURISDICTION.**

(A) The territory located within one mile of the corporate limits of the village is hereby designated as within the extraterritorial jurisdiction of the village for the purpose of exercising the powers and duties granted by Neb. RS 17-1001 through 17-1004, with respect to zoning, development, subdivisions and platting, specifically including, but not limited to, zoning ordinances, property use regulation ordinances, building ordinances, electrical ordinances, plumbing ordinances and building permits.

(B) The boundaries of the territory so designated shall be as shown on the official zoning map.  
(1976 Code, § 11-209) (Ord. 271, passed 4-8-1996; Ord. 357, passed 8-9-2004; Ord. 364, passed 3-10-2008)

***Statutory reference:***

*Related provisions, see Neb. RS 17-1002, 17-1004*

**§ 151.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24-hours' of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) 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. (1976 Code, § 11-401) (Ord. 339, passed 10-9-2000)

***Statutory reference:***

*Related provisions, see Neb. RS 17-207, 17-505, 18-1720, 18-1722*



## CHAPTER 152: BUILDING REGULATIONS

### Section

#### *Building Official*

- 152.01 Creation of Office
- 152.02 Appointment; tenure
- 152.03 Qualifications; conflict of interest
- 152.04 Power, authority and duties
- 152.05 Appeal from decision

#### *Building Permits*

- 152.15 Generally
- 152.16 Limitation
- 152.17 Duplicate to County Assessor
- 152.18 Building permit fees

#### *Building Moving*

- 152.30 Regulations
- 152.31 Deposit

#### *Barricades and Lights*

- 152.45 Generally

#### *Unsafe Buildings; Construction Codes*

- 152.55 Building Code adopted
- 152.56 Residential Code adopted
- 152.57 Uniform Code for Abatement of Dangerous Buildings
- 152.58 Property Maintenance Code
  
- 152.99 Penalty

***BUILDING OFFICIAL*****§ 152.01 CREATION OF OFFICE.**

The Office of Building Official is hereby created and the executive official in charge shall be known as the Building Official.

(1976 Code, § 9-101) (Ord. 276, passed 11-10-1997)

**§ 152.02 APPOINTMENT; TENURE.**

The Building Official shall be appointed by the Village Board of Trustees and shall serve at the pleasure of the Village Board of Trustees.

(1976 Code, § 9-102) (Ord. 276, passed 11-10-1997)

**§ 152.03 QUALIFICATIONS; CONFLICT OF INTEREST.**

To be eligible for appointment, the candidate for the position of Building Official shall have had experience or training in building or construction. He or she shall be in good health and physically capable of making the necessary examinations and inspections. He or she shall not have any interest, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alteration, removal and demolition.

(1976 Code, § 9-103) (Ord. 276, passed 11-10-1997)

**§ 152.04 POWER, AUTHORITY AND DUTIES.**

(A) The Building Official shall be the village official, who shall have the duty of enforcing all building and housing regulations as herein prescribed. He or she shall receive applications required by this chapter, issue permits and furnish the prescribed certificates. He or she shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He or she shall enforce all provisions of this chapter, including the construction codes adopted within this chapter. He or she shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in this chapter, including the construction codes adopted within this chapter and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards, during construction or to require adequate exit facilities in buildings and structures. He or she shall issue notices or orders as may be necessary, he or she shall have the power and authority to order all work stopped on any construction, alteration or relocation which violates any provisions prescribed herein. If the stop order is an oral one, it shall be followed by a written stop order within 24 hours. The written order may be served by the Building Official.

(B) It shall be unlawful for any person to refuse to allow the Building Official 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.

(C) The Building Official shall keep comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered and notices or orders issued pursuant to this chapter, including the construction codes adopted within this chapter. He or she shall retain on file copies of required plans and all documents relating to building work, so long as any part of the building or structure to which they relate may be in existence.

(D) All the records shall be open to public inspection for good and sufficient reason at the stated office hours, but shall not be removed without the Building Official's written consent.

(E) The Building Official shall also have duties as are specified elsewhere within the village code or the ordinances adopted by the village and as may be provided from time to time by the Village Board of Trustees.

(F) Any references within this chapter or within any other provision of the village code or ordinances of the village which refers to the Building Inspector shall be deemed to refer to the Building Official.

(1976 Code, § 9-104) (Ord. 276, passed 11-10-1997)

**§ 152.05 APPEAL FROM DECISION.**

(A) In the event it is claimed that the true intent and meaning of this chapter has been wrongfully interpreted by the Building Official; that the time allowed for compliance with any order of the Building Official 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 Official, the owner, his or her agent, or the occupant may file a notice of appeal within ten days after the decision or order of the Building Official has been made.

(B) The Village Board of Trustees shall sit and act as the Village Board of Appeals and shall have the power and authority, when appealed to, to modify the decision or order of the Building Official. 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, shall state the reasons why the variance shall be made and shall be filed with the Village Clerk.

(C) 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 municipal code to achieve that end. A copy of any variance so granted shall be sent to both the Building Official and the applicant.

(D) In the event there is a conflict between the provisions within this section and any other specific appeal procedures set forth in this chapter, then the specific provisions and procedures for appeal set forth shall govern and control.

(1976 Code, § 9-105) (Ord. 276, passed 11-10-1997)

### ***BUILDING PERMITS***

#### **§ 152.15 GENERALLY.**

(A) Any person desiring to commence or proceed to erect, construct, repair or enlarge any building or dwelling shall file with the Building Official an application for a building permit.

(B) To obtain a permit, the applicant shall first file an application with the Village Clerk on an application form furnished by the village.

(C) The following shall be required when applying for a building permit:

(1) The property owner's name, address, and a phone number;

(2) A description of the work to be covered by the permit for which application is made;

(3) The legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;

(4) The nature of the use or the occupancy for which the proposed work is intended;

(5) The valuation of the proposed work;

(6) The signature of the applicant or the applicant's authorized agent;

(7) Construction documents, plans, and specifications, and any other information as requested by the Building Official.

(D) The application, plans, and specifications shall be in writing and delivered to the Village Clerk who shall submit such application to the Building Official for filing, review, and examination. If the documents are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the Building Official shall issue a permit to the applicant.

(1976 Code, § 9-201) (Ord. 276, passed 11-10-1997; Ord. 497, passed 1-14-2019)

***Statutory reference:***

*Related provisions, see Neb. RS 17-550, 17-1001*

**§ 152.16 LIMITATION.**

(A) If the work for which a permit has been issued shall not have begun within six months of the date thereof, or if the construction shall be discontinued for a period of six months, the permit shall be void.

(B) Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

(1976 Code, § 9-202) (Ord. 276, passed 11-10-1997)

**§ 152.17 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 \$2,500 or more, a duplicate of the permit shall be issued to the County Assessor.

(1976 Code, § 9-203) (Ord. 117, passed 11-5-1979; Ord. 276, passed 11-10-1997; Ord. 497, passed 1-14-2019)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1743*

**§ 152.18 BUILDING PERMIT FEES.**

(A) The fee for all permits, including residential and commercial, except to replace a roof or to replace an existing fence, shall be based on the actual cost value of the work and shall be as follows:

<i>Cost/Value of Work</i>	<i>Fee</i>
(1) \$1 to \$1,000	\$30
(2) \$1,001 to \$50,000	\$20 for the first \$1,000, plus \$5 for each additional \$1,000 or fraction thereof to \$50,000
(3) \$50,001 and up	\$275 for the first \$50,001, plus \$2.50 for each additional \$1,000 or fraction thereof up to \$150,000, plus \$2 for each additional \$1,000 over \$150,001

(B) No fee shall be charged to replace a roof or to replace an existing fence.

(C) If a permit is not obtained prior to commencement of the work, a fee of triple the amount provided in this division may be charged.

(Ord. 425, passed 6-10-2013; Ord. 497, passed 1-14-2019)

***BUILDING MOVING*****§ 152.30 REGULATIONS.**

(A) It shall be unlawful for any person, firm or corporation to move any building or structure within the village without a written permit to do so. Application may be made to the Building Official, and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and other information as the Building Official may require.

(B) 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 building is presently located. The Building Official shall refer the application to the Village Marshal or Sheriff of the county, for approval of the proposed route over which the building is to be moved.

(C) Upon approval of the Building Official, a permit shall be issued upon payment of a permit fee of \$0; provided, that a good and sufficient corporate surety bond, check or cash in an amount set by the Building Official and conditioned upon moving the building without doing damage to any private or village property is filed with the Building Official prior to the granting of any permit.

(D) No moving permit shall be required to move a building that is ten feet wide, or less, and 20 feet long, or less, and when in a position to move, 15 feet high, or less. 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 poles, wires or line shall upon proper notice of at least 24 hours, be present and assist by disconnecting the poles, wires or line relative to the building moving operation.

(E) All expense of the disconnection, removal or related work shall be paid in advance by the licensee unless the disconnection or work is furnished on different terms as provided in the company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes or wire belonging to the village, notice in writing of the time and route of the building moving operation shall be given to the various village officials in charge of the village utility departments who shall proceed in behalf of the village and at the expense of the mover to make the disconnections and do the work as is necessary.

(1976 Code, § 9-301) (Ord. 276, passed 11-10-1997) Penalty, see § 152.99

**§ 152.31 DEPOSIT.**

At a time as the building moving has been completed, the Building Official or his or her agent shall inspect the premise and report to the Village Clerk as to the extent of damages, if any, resulting from

the relocation and whether any village laws have been violated during the operation. Upon a satisfactory report from the Building Official or his or her agent, the Village 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 conditions. If the expenses 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 the excess expense by civil suit or otherwise as prescribed by law.  
(1976 Code, § 9-302) (Ord. 276, passed 11-10-1997)

***BARRICADES AND LIGHTS***

**§ 152.45 GENERALLY.**

It shall be the duty of the owner, tenant or lessee causing the construction, demolition or moving of any building or improvement within the village to have during the work all excavations, open basements, building materials and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect or refusal of the persons to erect the guards shall constitute a violation of this section and the Village Marshal or the Building Official shall stop all work until guards are erected and maintained as required.  
(1976 Code, § 9-401) (Ord. 276, passed 11-10-1997) Penalty, see § 152.99

***UNSAFE BUILDINGS; CONSTRUCTION CODES***

**§ 152.55 BUILDING CODE ADOPTED.**

(A) The 2018 International Building Code including Appendix Chapters I and J, as published by the International Code Council, is hereby adopted as the Building Code of the Village of Potter, Nebraska, for regulating and governing the conditions and maintenance of all property, buildings and structures; by 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 the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; and providing for the issuance of permits and collection of fees therefor.



(B) One copy of the Building Code is on file at the office of the Village Clerk and is available for public inspection at any reasonable time.

(C) All 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. The Building Code, printed in book or pamphlet form, is hereby incorporated by reference herein insofar as the Code does not conflict with the statutes of the state.

(D) The provisions of this section shall apply within the corporate limits of the village and within the extraterritorial jurisdiction as defined in §151.09.

(E) Nothing in this section or in the Building Code hereby adopted shall be constructed to affect any rights acquired, or liability incurred, nor cause or causes of action accrued or existing, nor shall any right or remedy of any character be lost, impaired or affected by this section.

(F) In the event of a conflict between any of the provisions of the Building Code, as adopted in division (A) above, and a provision of the Village of Potter Code of Ordinances, or any other local ordinance regulation or rule, the former shall control.

(G) The invalidity of any section or provision of this section or of the Building Code adopted in division (A) above shall not invalidate other sections or provisions thereof.

(H) All the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Village of Potter are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in division (I) below.

(I) The following section of the 2018 International Building Code is hereby revised to read as follows:

(1) Section 101.1. Village of Potter.  
(1976 Code, § 9-601) (Ord. 276, passed 11-10-1997; Ord. 358, passed 1-10-2005; Ord. 426, passed 8-12-2013; Ord. 498, passed 3-11-2018)

**§ 152.56 RESIDENTIAL CODE ADOPTED.**

(A) The 2018 International Residential Code including Appendix Chapters A, B, C, F, H, J, N, P, and Q, and excluding Chapter R313 Automatic Fire Sprinkler Systems and any other Appendix Chapter not specifically included herein, as published by the International Code Council, is hereby adopted as the Residential Code of the Village of Potter, Nebraska, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and

demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; and providing for the issuance of permits and collection of fees therefor.

(B) One copy of the Residential Code is on file at the office of the Village Clerk and is available for public inspection at any reasonable time.

(C) All 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. The Residential Code, printed in book or pamphlet form, is hereby incorporated by reference herein insofar as the code does not conflict with the statutes of the state.

(D) The provisions of this section shall apply within the corporate limits of the village and within the extraterritorial jurisdiction as defined in §151.09.

(E) Nothing in this section or in the Residential Code hereby adopted shall be constructed to affect any rights acquired, or liability incurred, nor cause or causes of action accrued or existing, nor shall any right or remedy of any character be lost, impaired or affected by this section.

(F) In the event of a conflict between any of the provisions of the Residential Code, as adopted in division (A) above, and a provision of the Village of Potter Code of Ordinances, or any other local ordinance regulation or rule, the former shall control.

(G) The invalidity of any section or provision of this section or of the International Residential Code adopted in division (A) above shall not invalidate other sections or provisions thereof.

(H) All the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Village of Potter are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in division (I) below.

(I) The following section of the 2018 International Residential Code is hereby revised to read as follow:

(1) Section R101.1. Village of Potter.  
(1976 Code, § 9-601.1) (Ord. 358, passed 1-10-2005; Ord. 426, passed 8-12-2013; Ord. 498, passed 3-11-2019)

### **§ 152.57 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.**

(A) The 1997 Uniform Code for the Abatement of Dangerous Buildings is hereby adopted by the Village of Potter, Nebraska, for the purpose of repairing, vacating or the demolition of buildings or

structures, which from any cause endanger the life, limb, health, morals, property, safety of welfare of the general public or their occupants.

(B) The Uniform Code for the Abatement of Dangerous Buildings was published by the International Code Council, being particularly the 1997 Edition thereof and the whole thereof, of which is being adopted and incorporated as fully set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlled within the corporate limits of the Village of Potter, Nebraska, and within the unincorporated area one mile beyond and adjacent to its corporate boundaries, also known as the extraterritorial jurisdiction and defined in § 151.09 of this Code of Ordinances.

(C) Subsequently published amendments or supplements to the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Code Council, or revisions of the same, and later edition thereof, are hereby adopted and the provisions thereof shall be controlling without further action by the Board of Trustees, provided, however that all copies maintained by the village shall be kept current by the integration of all such amendments, supplements or revisions, and that in the event of the publication of later editions, then the village will maintain three copies of such later editions on file.

(D) Each and all of the regulations, provisions, conditions and terms of such Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Code Council is hereby adopted in full, save and except such portions thereof as may be hereinafter amended or deleted.

(E) The members of the Village Board of Trustees shall constitute the Board of Appeals provided for in section 205 of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.

(F) Nothing in this section or in the Uniform Code for the Abatement of Dangerous Buildings hereby adopted shall be constructed to affect any rights acquired, or liability incurred, nor cause or causes of action accrued or existing, nor shall any right or remedy of any character be lost, impaired or affected by this section.

(G) In the event of a conflict between any of the provisions of the Uniform Code for the Abatement of Dangerous Buildings, as adopted in division (A) above, and a provision of the Village of Potter Code of Ordinances, or any other local ordinance regulation or rule, the former shall control.

(H) The invalidity of any division or provision of this section or of the Uniform Code for the Abatement of Dangerous Buildings adopted in division (A) above shall not invalidate other divisions or provisions thereof.

(I) Any person or any person's agent or servant who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction

thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(Ord. 423, passed 5-6-2013)

### **§ 152.58 PROPERTY MAINTENANCE CODE.**

(A) The 2018 International Property Maintenance Code is hereby adopted as the Property Maintenance Code of the Village of Potter, Nebraska, for regulating and governing the conditions and maintenance of all property, buildings and structures; by 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 the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor.

(B) One copy of the International Property Maintenance Code is on file at the office of the Village Clerk and is available for public inspection at any reasonable time.

(C) All the regulations, provisions, penalties, conditions and terms of the Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this section. The Property Maintenance Code, printed in book or pamphlet form, is hereby incorporated by reference herein insofar as the code does not conflict with the statutes of the state.

(D) The provisions of this section shall apply within the corporate limits of the village and within the extraterritorial jurisdiction as defined in §151.09.

(E) Nothing in this section or in the International Property Maintenance Code hereby adopted shall be constructed to affect any rights acquired, or liability incurred, nor cause or causes of action accrued or existing, nor shall any right or remedy of any character be lost, impaired or affected by this section.

(F) In the event of a conflict between any of the provisions of the International Property Maintenance Code, as adopted in division (A) above, and a provision of the Village of Potter Code of Ordinances, or any other local ordinance regulation or rule, the former shall control.

(G) The invalidity of any section or provision of this section or of the International Property Maintenance Code adopted in division (A) above shall not invalidate other sections or provisions thereof.

(H) All the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Village of Potter are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in division (I) below.

(I) The following sections of the 2018 International Property Maintenance Code are hereby revised to read as follow:

- (1) Section 101.1. Village of Potter.
- (2) Section 103.5. All fees shall be as specified in § 152.18.
- (3) Section 112.4. All fines shall be as specified in § 152.18.
- (4) Section 302.4. The height shall be as specified in § 93.20.
- (5) Section 304.14. April 1 through October 31.
- (6) Section 602.3. October 1 through April 30.
- (7) Section 602.4. October 1 through April 30.

(Ord. 440, passed 5-12-2014; Ord. 498, passed 3-11-2019) Penalty, see § 152.99

**§ 152.99 PENALTY.**

(A) Any person, or any person’s agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24-hours’ of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) 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. (1976 Code, § 9-701) (Ord. 339, passed 10-9-2000)

***Statutory reference:***

*Related provisions, see Neb. RS 17-207, 17-505, 18-1720, 18-1722*



## CHAPTER 153: MOBILE HOME PARKS

### Section

- 153.01 Definitions
- 153.02 Applicability of provisions
- 153.03 Mobile home park license; application and requirements
- 153.04 Mobile home park site plans and specifications
- 153.05 Mobile home placement permit
- 153.06 Duties of owner, manager, and licensee generally
- 153.07 Restriction of animals
  
- 153.99 Penalties

### § 153.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

***ACCESSORY BUILDING.*** A subordinate building, the use of which is customarily incidental to that of a mobile home on the same lot.

***CERTIFICATE OF OCCUPANCY.*** A document issued by a local building or zoning authority to the owner of the premises attesting that the premises have been built and maintained according to the provisions of building or zoning ordinances, such as those that govern the number of fire exits or the safety of electrical wiring.

***MOBILE HOME LOT.*** A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

***MOBILE HOME PARK.*** A parcel or contiguous parcels of land which have been so designated and improved that the parcel or parcels contain two or more mobile home lots available to the general public for the placement thereon of mobile homes for occupancy. The term mobile home park shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by any individual, corporation, company, or other entity on its own premises and used exclusively to house its own labor force, and shall not include real property which is rented or held out for rent for seasonal recreational purposes only and which is not intended for year-round occupancy.

(Ord. 503, passed 11-9-2020)

**§ 153.02 APPLICABILITY OF PROVISIONS.**

(A) Any additions, modifications or changes to a nonconforming mobile home park shall conform to all requirements of this chapter.

(B) Any land area added to a nonconforming mobile home park shall conform to all requirements of this chapter.

(Ord. 503, passed 11-9-2020)

**§ 153.03 MOBILE HOME PARK LICENSE; APPLICATION AND REQUIREMENTS.**

(A) 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/her, a mobile home park within the village, without first having secured a license from the governing body.

(B) Prior to the issuance of the initial license for a mobile home park, the Village Clerk shall receive from the Building Official a copy of the certificate of occupancy indicating that the park is in compliance with the provisions of this chapter.

(C) The certificate of occupancy shall be attached to the license register of said park and a copy shall be maintained on file in the office of the Village Clerk.

(D) All licenses are valid for one year and all licenses shall expire annually on December 31. Application for license renewal shall be made at least 30 days prior to expiration of the license each year.

(E) The application for a license or a renewal license shall be made on forms furnished by the Village Clerk and shall include the name, address, and signature of the applicant and the legal description of the premises upon which the mobile home park is or will be located.

(F) The application for such license or the renewal thereof shall be filed with the Village Clerk and shall be accompanied by the annual mobile home park fee as set by the Village of Potter Master Fee Schedule.

(G) If the applicant is not the owner of the property, a duly verified statement from the owner of the property that the applicant is authorized by him/her to construct or maintain the mobile home park and make the application for license shall accompany the application.

(H) A license required by the provisions of this chapter shall be issued only upon compliance with the provisions of this section and any other applicable provisions of law.

(I) Licenses issued under the terms of this section shall convey no right to erect any building, to do any plumbing work, or to do any electrical work, except upon a building permit issued in conformity with building, electrical and plumbing codes of the village. No plans and specifications to construct, expand, remodel, or make alterations upon a mobile home park and the appurtenances thereto shall be approved unless application is made to the Building Official for an appropriate permit.

(J) No license may be issued for a mobile home park unless the plans for such park have been approved according to the requirements of this chapter.

(K) If the application for a permit to construct, expand, remodel, or make alteration upon a mobile home park and the appurtenances thereto is denied by the Building Official, the Building Official shall so state in writing giving the reasons for denying the application. If the objection can be corrected, the applicant may amend his or her application and resubmit it for approval.

(L) The Village of Potter shall require the developer to provide a surety or cash bond in an amount to be determined by the governing body guaranteeing the completion of the mobile home park. When completed in accordance with the approved plans within two years of approval, the surety or cash bond will be released. If incomplete at the end of two years after approval, the governing body will review the progress and may proceed to use the surety or cash bond funds to make or complete the improvements in accordance with the approved plans. The surety or cash bond shall be approved by the governing body and the Village Legal Counsel, and it shall be filed with the Village Clerk.

(M) (1) The governing body is hereby authorized to revoke any license issued pursuant to the terms of this section if, after due investigation, they determine that the holder thereof has violated any of the provisions of this chapter or that any mobile home or mobile home park is being maintained in an unsanitary or unsafe manner or is a nuisance. It shall be the responsibility of the licensee to insure that all requirements of this chapter are met and maintained.

(2) Any mobile home park issued an initial license after adoption of this chapter that is found to be in violation of any provisions of this chapter shall be notified by the Building Inspector to cease such violation within a ten-day time period. If, after such time period has elapsed, the violation has not ceased, the Building Official shall forward a notice of license revocation to the owner of the mobile home park. No future licenses or permits shall be issued to the mobile home park until said violation ceases.

(Ord. 503, passed 11-9-2020)

**§ 153.04 MOBILE HOME PARK SITE PLANS AND SPECIFICATIONS.**

(A) *Site plan.* A site plan must be submitted showing the following:

- (1) The name, address, and record owner of the proposed mobile home park;
- (2) A legal description of the property upon which the mobile home park is to be located;
- (3) The names of all adjacent public streets and roads;
- (4) Contour topography lines at two-foot intervals;
- (5) The locations and dimensions of all mobile home lots, utility easements, drives, recreation areas, streets, sidewalks, and off-street parking spaces;
- (6) Building setback lines from public streets and adjacent property lines;
- (7) A scale of plan (no smaller than 1 inch = 100 feet), with complete dimensions;
- (8) The numbering system for each individual mobile home lot and the identification names of mobile home park drives;
- (9) The dimensional area of the total site;
- (10) Areas designated for all sized waste containers; and
- (11) The location, mechanical plan, and building plan of shower and toilet facilities, if to be constructed.

(B) Three copies of the site plan, in scale, must accompany the application along with the new mobile home park fee as set by the Village of Potter Master Fee Schedule.

(C) Upon approval of the site plan by the Building Official, the site plan will be submitted to the Planning Commission for review and recommendations for the final plan. After the Planning Commission's review, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning Commission's recommendation shall be forwarded to the governing body for their review and final action.

(D) Any substantial deviation from the approved plan shall constitute a violation of the plan. The owner of a mobile home park shall be responsible for such violations. Changes in plans shall be submitted for consideration and approval by the Planning Commission and governing body.  
(Ord. 503, passed 11-9-2020)

**§ 153.05 MOBILE HOME PLACEMENT PERMIT.**

(A) Prior to moving or relocating a mobile home into a licensed mobile home park within the zoning jurisdiction of the village, the owner of the mobile home and the individual or entity that has contracted to move or relocate the mobile home shall file an application with the Village Clerk for the issuance of a mobile home placement permit.

(B) No mobile home shall be moved or relocated into a licensed mobile home park within the zoning jurisdiction of the village until a mobile home permit has been issued by the Village Clerk.

(C) All mobile homes moved or relocated into a licensed mobile home park within the zoning jurisdiction of the village shall meet the requirements of this chapter.  
(Ord. 503, passed 11-9-2020)

**§ 153.06 DUTIES OF OWNER, MANAGER, AND LICENSEE GENERALLY.**

The owner or manager of every mobile home park shall:

(A) Maintain in the near vicinity of such mobile home park an office in which there shall be a copy of the mobile home park license and of this chapter, and the mobile home park register.

(B) Maintain the mobile home park in a clean, orderly, and sanitary condition at all times. This includes, but is not limited to, repairing, or removing dilapidated fencing, replacing damaged skirting, and replacing broken or boarded up windows.

(C) See that the provisions of this chapter are complied with and enforced and report promptly to the proper authorities any violation of this chapter or any other violations of the law which may come to his/her attention.

(D) Prohibit the use of any mobile home by a greater number of occupants than that for which it was designed as determined by the Residential Building Code.

(E) Display a map or plan of the mobile home park at all times in the office or entrances of the mobile home park; such map or plan shall show accurately and clearly the current location of each mobile home lot and its number. Names or numbers of drives and abutting public streets shall be shown.

(F) Maintain all mobile homes and the mobile home park in a manner and condition that will comply with this chapter and all other applicable regulations for the village.  
(Ord. 503, passed 11-9-2020)

**§ 153.07 RESTRICTION OF ANIMALS.**

No dogs, cats or other domestic animals shall be permitted to run at large in the mobile home park. Such animals shall be kept in restricted enclosures on the individual mobile home space. The enclosures shall always be maintained in a clean and sanitary condition.  
(Ord. 503, passed 11-9-2020)

**§ 153.99 PENALTIES.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) 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.  
(Ord. 503, passed 11-9-2020)

## CHAPTER 154: ZONING REGULATIONS

### Section

#### 154.01 Regulations adopted

#### **§ 154.01 REGULATIONS ADOPTED.**

A Comprehensive Zoning Code for the village is established as set out in Ord. 275, adopted by the governing body on December 8, 1997. Ord. 275 and any later amendments to it shall be known as the “Potter Zoning and Subdivision Ordinance”, and may be cited by that name. One copy of the adopted Comprehensive Zoning Code shall be kept on file with the Village Clerk and available for inspection by any member of the public during office hours.

(1976 Code, § 11-301) (Ord. 275, passed 12-8-1997)

