

**TITLE XV: LAND USAGE**

Chapter

**150.GENERAL PROVISIONS**

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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) The application shall be in writing on a form to be furnished by the Building Official for that purpose.

(C) Every application shall state that no building will be constructed within three feet of the property line, and 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 other information as may be requested thereon.

(D) The application, plans and specifications so filed with the Building Official shall be checked and examined by the Building Official and if they 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.

(E) Whenever there is a discrepancy between those contained in any building code adopted by reference, the provisions contained herein shall govern.

(1976 Code, § 9-201) (Ord. 276, passed 11-10-1997)

***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 \$1,000 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)

**Statutory reference:**

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

**§ 152.18 BUILDING PERMIT FEES.**

(A) The fee for all permits, including residential and commercial, 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) 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)

***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.

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(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.**

The International Building Code, 2012 Edition, including Appendix Chapters I and J, as published by the International Code Council, Inc., is hereby adopted as the Building Code of this village 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 the 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. 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. 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. The provisions of the Building Code shall be controlling throughout the municipality and throughout its zoning jurisdiction.

(1976 Code, § 9-601) (Ord. 276, passed 11-10-1997; Ord. 358, passed 1-10-2005; Ord. 426, passed 8-12-2013)

**§ 152.56 RESIDENTIAL CODE ADOPTED.**

The International Residential Code, 2012 Edition, including Appendix Chapters A, B, C, F, G, H, J and N, as published by the International Code Council, Inc., is hereby adopted as the Residential Code of this village 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. 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. 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. The provisions of the Residential Code shall be controlling throughout the municipality and throughout its zoning jurisdiction.

(1976 Code, § 9-601.1) (Ord. 358, passed 1-10-2005; Ord. 426, passed 8-12-2013)

**§ 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 2012 International Property Maintenance Code and Commentary is hereby adopted by the village for the purpose of regulating and governing the condition and maintenance of all property, buildings and structures; providing the standards and requirements for lighting, ventilation, occupancy limitations, plumbing facilities and fixtures, mechanical, electrical and fire safety essential to ensure that structures are safe, sanitary and fit for occupation and use.

(B) The International Property Maintenance Code and Commentary was published by the International Code Council, Inc., being particularly the 2012 Edition thereof and the whole thereof, of which is being adopted and incorporated as if fully set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall control within the corporate limits of the village 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) The village will maintain one copy of the International Property Maintenance Code and Commentary, 2012 Edition. All of the regulations, provisions, conditions and terms of such International Property Maintenance Code and Commentary, 2012 Edition, published by the International Code Council, Inc. are hereby adopted in full, save and except such portions thereof as may be hereinafter amended or deleted.

(D) Nothing in this section or in the International Property Maintenance Code and Commentary 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.

(E) In the event of a conflict between any of the provisions of the International Property Maintenance Code and Commentary, 2012 Edition, 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.

(F) The invalidity of any section or provision of this section or of the International Property Maintenance Code and Commentary, 2012 Edition adopted in division (A) above shall not invalidate other sections or provisions thereof.

(Ord. 440, passed 5-12-2014) 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 AND MANUFACTURED HOMES**

### Section

#### 153.01 Regulations adopted

#### **§ 153.01 REGULATIONS ADOPTED.**

Regulations for the construction and operation of mobile and manufactured home parks in the village and regulations for the location, design and improvements of trailer home, manufactured home and mobile home parks that will benefit the general community environment and will equal or exceed all applicable state standards or statutes as set forth in Ord. 354, passed December 8, 2003, are hereby adopted by reference as if incorporated in full herein. A copy of the regulations is on file in the office of the Village Clerk and available for inspection during normal business hours.

(1976 Code, § 10-601) (Ord. 354, passed 12-8-2003)





## **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)

