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## **CHAPTER 9 – BUILDING REGULATIONS**

### **Article 1 – Building Inspector**

#### **SECTION 9-101: POWER AND AUTHORITY**

The building inspector shall be the village official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall inspect all buildings repaired, altered, built, or moved in the village as often as necessary to insure compliance with all village ordinances. He shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He shall issue permission to continue any construction, alteration, or relocation when he is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written order may be served by any village police officer. (Ord. No. 80-4 6/9/80)

#### **SECTION 9-102: RIGHT OF ENTRY**

It shall be unlawful for any person to refuse to allow the building inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place for the purpose of making official inspections at any reasonable hour. (Ord. No. 80-4 6/9/80)

#### **SECTION 9-103: INSPECTIONS AND SURVEYS GENERALLY**

All construction of work for which a permit is required shall be subject to inspection by the building official and certain types of construction shall have continuous inspection by special inspectors. The property owner is responsible for obtaining a survey of all unimproved lots upon which any addition, alterations or repairs are being accomplished shall be provided by a duly licensed engineer or surveyor of the State of Nebraska before plans and specifications shall be accepted by the building official to verify compliance of the construction or work with building line setback requirements of the zoning ordinance. All boundary corners of any lot(s) shall be marked with permanent survey monuments in the field by the said engineer or surveyor. Said permanent survey monument shall be maintained and readily identifiable during the entire period of the time that the construction or work is being accomplished for which a permit is required. It shall be the duty of the person requesting inspection of construction or work for which a permit is required to provide access and means for proper inspection of such construction or work. (Ord. No. 80-4 6/9/80)

#### **SECTION 9-104: REQUIRED INSPECTIONS**

A. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official. The building inspector, upon notification of the permit holder or his agent, shall make the following inspections of the building or structure and shall either approve

that portion of the construction as completed, or shall notify the permit holder or his agent, that the work fails to comply with the requirements of this code and identify wherein the same fails to comply:

1. *Foundation Inspection:* To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. When concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
2. *Frame Inspection:* To be made after the roof, all framing, fire-blocking, and bracing are in place and all pipes, chimneys, and vents are completed.
3. *Electrical, Plumbing and Heating Inspection:* To be made after all plumbing piping, hot water heater, electrical wiring and connection and switch boxes are placed and all wiring is run to the building or structure; and when the furnace, air conditioners, heating ducts, have been installed, but not prior to the installation of any plumbing fixtures, light switches or electrical outlets and prior to the connection of the interior electrical wiring to the service wiring to the structure or the connection to the electrical or plumbing of any appliances.
4. *Thermal Insulation Inspection:* To be made after each type of thermal insulation material is in place. Evidence of the type and thickness of thermal insulation by the building official for each project shall be on the job-site for examination by the person making the inspection. No insulation materials shall be covered until approved by the building official. No insulation is to be placed until all wiring, piping, and duct work within the space to be filled or occupied by the insulation has been properly inspected and approved by the building official or his authorized agent under the provisions of the plumbing, heating, and electrical codes.
5. *Wallboard Inspection:* To be made after all wallboard, interior and exterior, is in place; but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
6. *Final Inspection:* To be made after building is completed and ready for occupancy upon the completion of the final inspection and approval thereof by the building inspector the building permit will be signed and dated by the Inspector and the permit holder and an occupancy certificate shall be issued.

B. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

(Ord. No. 80-4 6/9/80)

**SECTION 9-105: APPEAL FROM DECISION**

In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the building inspector; that the time allowed for compliance with any order of the building inspector is too short; or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and the building inspector, the owner, his agent, or the occupant may file a notice of appeal within 10 days after the decision or order of the building inspector has been made. The Village Board shall sit and act as the Board of Appeals and shall have the power and authority, when appealed to, to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to both the building inspector and the applicant. (Ord. No. 80-4 6/9/80)

**SECTION 9-106: DANGEROUS BUILDING**

Provisions for abatement of a dangerous building shall be as stated in Sections 3-508 through 3-516.



## Article 2 – Building Permits

(Ord. No. 80-4, 6/9/80)

### **SECTION 9-201: WHEN REQUIRED**

No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building, structure, swimming pool, or parking lot in the village, or on a parcel of land under the same ownership of less than 20 acres and within 1 mile of the corporate limits of the village and outside of any other organized city or village, or cause the same to be done, without first obtaining a separate building permit for each building, structure, swimming pool or parking lot from the building official.

### **SECTION 9-202: CONCRETE WORK AND FENCES**

A building permit shall be required for construction of any concrete work with a vertical depth of 18 inches or more. A building permit shall be required for any on-grade slab concrete work which abuts city streets or property or which abuts a property line. The building inspector shall insure compliance with village ordinances with regard to curb cuts, grade, and placement of such slab. A building permit shall be required for the erection of fences. The building inspector shall insure the placement of the fences within the surveyed property and compliance with height and setback requirements.

### **SECTION 9-203: WHEN NOT REQUIRED**

No building permit shall be required for concrete work on private property (such as a patio, sidewalk, or private drive) providing such work does not abut on village streets or property or property lines; reroofing, general upkeep and maintenance (such as painting, re-siding, papering, steps, and storm windows); interior alterations and improvements provided no structural or load bearing members are involved; and exterior alterations provided no structural or load bearing members are involved and further provided the exterior dimensions of the structure and grade are not changed.

### **SECTION 9-204: APPLICATION**

Any person desiring a building permit to commence or proceed to erect, construct, repair, or relocate any building or dwelling or cause the same to be done shall file with the village clerk an application therefor, in writing, on a form furnished by the clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated costs, the names of the owner, architect and contractor, and such other information as may be requested thereon. The application, plans, and specifications so filed with the building inspector shall be

checked and examined by him and if they are found to be in conformity with the requirements of this chapter, and all other ordinances applicable thereto, the village clerk shall calculate the permit fee.

### **SECTION 9-205: ISSUANCE; FEES**

A. Upon receipt of notice from the building inspector of approval of the application, the village clerk shall secure from the applicant the following fees:

1. Building permit fee.
2. Inspection fee (estimated) based on the type of construction and the number of inspections required under this code.
3. Demolition fee, if applicable.
4. Water and sewer hookup and tap fees, if applicable.
5. All costs incurred by the village for materials and labor for the installation of water and sewer service required by the permit application specifically including costs of water meter, shut-off valve, curb stop, and piping materials and labor.
6. Any real estate property taxes which are due and unpaid on the real estate whereon the construction will take place.

B. Upon receipt of approval from the building inspector and the collection of the above-identified fees from the applicant, the village clerk shall issue the building permit to the applicant.

C. Where work for which a permit is required by this chapter is commenced prior to obtaining said permit, the fees above-specified shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work or from any other penalty described herein.

### **SECTION 9-206: PERMIT CARD**

Upon the issuance of a building permit, the village clerk shall furnish to the applicant a permit card which shall be a distinctive color and shall contain the nature of the work, the location of the building, the number of the permit, and the date of issuance. The said card shall be prominently displayed on the principal frontage of the building site close to or upon the building or structure and shall so remain until the final inspection has been made.

**SECTION 9-207: LIMITATION**

If the work for which a permit has been issued shall not have begun within 6 months of the date thereof, or if the construction shall be discontinued for a period of 6 months, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.



## Article 3 – Building Codes and Standards

(Ord. No. 80-4, 6/9/80)

### SECTION 9-301: ADOPTED BY REFERENCE

A. To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the following building codes be and hereby are adopted and incorporated by reference. In the event of conflict between any of the below-named codes and the provisions of this chapter, the provisions of this chapter will control.

1. 2009 International Building Code,

and the latest, current edition, as amended, of the:

2. International Residential Code,
3. National Electric Code,
4. International Plumbing Code,
5. International Mechanical Code,
6. International Fuel Gas Code,
7. International Existing Building Code,
8. International Green Construction Code.

(Neb. Rev. Stat. §18-132) (Am. by Ord. Nos. 93-11, 6/21/93; 2003-07, 6/17/03)

### SECTION 9-302: GENERAL APPLICATION

Buildings or structures to which additions, alterations or repairs are made shall comply with all of the requirements for new buildings or structures when such additions, alterations or repairs, within any 12-month period, exceed 50% of the square footage of the main floor of the existing building or structure. (Am. Ord. No. 2015-1, 4/21/15)

### SECTION 9-303: LIMIT OF APPLICATION

Additions, alterations and repairs within any 12-month period, not exceeding 50% of the fair market value of an existing building or structure and complying with the requirements of new buildings or structures, may be made to such building or structure, making the entire building or structure comply. The new construction shall conform to the requirements of this code for a new building of a like area, height and occupancy. (Am. Ord. No. 2015-1, 4/21/15)

### SECTION 9-304: DEFINITIONS

Unless otherwise defined in this chapter, the terms relating to buildings as used in the chapter shall be defined and construed as they are defined in the International Building

Code. (Am. by Ord. Nos. 93-11, 6/21/93; 2003-07, 6/17/03)

### **SECTION 9-305: LIGHT, VENTILATION, AND SANITATION**

All buildings shall be adequately provided with light and ventilation by means of windows or skylights or shall be provided with artificial light and a mechanically operated ventilating system. In no case shall less than four changes of air per hour be provided. Every building used or intended to be used as a dwelling for human occupancy shall be supplied with at least one water closet or toilet properly connected to a sanitary waste disposal system as provided in this code. Every building where one or more persons are employed shall be provided within reasonable access a sufficient number of water closets or toilets for the reasonable use of persons employed therein; provided, however, wherever male and female persons are employed in the same building, at least two toilets or water closets shall be located within reasonable access to the persons employed therein. (Neb. Rev. Stat. 48-401, 48-403, 48-404) (Am. by Ord. No. 91-1, 4/15/91)

### **SECTION 9-306: FIRE EXTINGUISHING APPARATUS**

All commercial/industrial buildings shall be equipped with hand fire extinguishers or automatic sprinklers for the purpose of fire fighting. All new commercial and industrial buildings shall have automatic sprinklers.

### **SECTION 9-307: STAIRS AND EXITS**

No building shall have fewer than two means of egress from each story, including basements or cellars, unless such basements or cellars are used for heating apparatus only, in which case only one exit shall be required. (Neb. Rev. Stat. §17-231)

### **SECTION 9-308: FIREPLACES**

Whenever a fireplace or wood-burning stove is to be installed in any building or structure, the installation shall at a minimum meet the manufacturer's recommendations. If no manufacturer's recommendations are available, the installation must conform to the International Building Code. A damper shall be required on all flues or chimneys connected with a fireplace or wood-burning stove and the top of the chimney or flue shall be at least 2 feet higher than any portion of the structure within 10 feet of the chimney or flue. (Am. by Ord. Nos. 93-11, 6/21/93; 2003-07, 6/17/03)

### **SECTION 9-309: SMOKE DETECTORS**

Each new residential dwelling unit constructed, whether a single-family structure or as a part of a multi-family structure, shall be required to have an ionization smoke detector installed and working prior to occupancy.

## Article 4 – Building Moving

### SECTION 9-401: 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 shall be made to the building inspector. The said application shall include the location of the building to be moved, the proposed route, the equipment to be used, the location where the building will be placed, and such other information as the building inspector may require. If the building or structure is to be relocated within the corporate limits, the building moving permit application shall be accompanied by a building permit application.

B. The building moving application shall be accompanied by a certificate issued by the county treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The application shall be referred to the Village Board for approval of the proposed route over which the building is to be moved. Upon approval of the board and payment of the required fees, the village clerk shall then issue the said permit; provided, a good and sufficient corporate surety bond, cashier's check, or cash in an amount set by resolution of the Village Board and conditioned upon moving said building or structure without damage to any private or village property and conditioned further upon the mover complying with all of the terms and conditions of the village code is filed with the village clerk prior to the granting of any permit.

C. No moving permit shall be required to move any building that is no wider than 10 feet and no longer than 20 feet and no higher than 15 feet when in position to move. In the event it will be necessary for any building mover to interfere with any telephone or telegraph poles and wires, or gas lines, the company or companies owning, using, or operating the said poles, wires, lines, or pipes shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the said poles, wires, lines, or pipes relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee.

D. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wires belonging to the village, a notice in writing of the time and route of the said building moving operation shall be given to the village engineer and the utilities superintendent, who shall proceed on behalf of the village and at the expense of the mover to make such disconnections and do such work as is necessary. In addition to the provisions of this article, any building moving operation shall comply with the terms of Sections 9-505 through 9-508 and all other pertinent provisions and ordinances.

### SECTION 9-402: DEPOSIT

At such time as the building moving has been completed, the Street Department and the building inspector shall inspect the premises and report to the village clerk as to the extent of damages, if any, resulting from the said relocation and whether any village ordinances have been violated during the said operation. If there is no damage or violation and if all other provisions of village ordinances have been complied with, including the required on-site finish work, the village clerk shall then return the corporate surety bond, cashier's check, or cash deposited by the applicant. In the event the moving work has not been done properly under the terms of the village ordinances or there is any damage or violation of village ordinances found, the Village Board may apply the money deposited for the purpose of defraying the expense of correcting any damage or condition. If the expense of correcting any damage or condition is greater than the amount of the deposit required herein, the board may recover such excess expense from the mover and owner of the real estate from which the building was moved.

## Article 5 – Building Demolition

### SECTION 9-501: PURPOSE

The purpose of this chapter is to regulate and provide minimum standards for the demolition of buildings. For the purposes of this chapter, "demolition" is defined to mean and include the razing, tearing down or removal of all or part of a building; the removal of the outer facing of a building but leaving a skeleton or structural frame; and the removal of an upper story or stories of a building.

### SECTION 9-502: PERMIT

No person shall demolish or remove a building or part thereof without first having obtained a permit from the village clerk; see Section 9-205.

### SECTION 9-503: LIABILITY INSURANCE

Whenever any building is to be demolished, the building official shall require the person applying for the demolition permit to file a certificate evidencing liability insurance coverage in the minimum sum of \$1,000,000.00 as a condition to the granting of the demolition permit. Such insurance coverage shall include both bodily injury and property damage liability protection for the property owner, the contractor, and the village, as an additional insured, against all claims arising out of the demolition of the building. The building official may require a certificate evidencing liability insurance coverage in excess of the minimum sum stated above and all certificates of insurance shall be approved by the village attorney. (Am. Ord. No. 2015-1, 4/21/15)

### SECTION 9-504: BARRICADES

No person shall perform any demolition work on any building or structure if by so doing he endangers persons or property on adjacent real estate or pedestrians on the street that abuts the property line, unless the persons, property or pedestrians are protected as specified below. Protection shall be provided for pedestrians on all sides of a building being demolished that borders on a public street or alley by providing a covered walkway 4 feet in clear width and 7 feet in clear height. Such walkway shall be covered on top with 2-inch (nominal) planking as a minimum and the sides next to the building shall be covered with plywood or other materials approved by the building official. The side of the walkway next to the street shall have a splash guard at least 2 feet in height to protect the pedestrian from splashing caused by passing automobiles. The building official may also require a raised sub-floor in the walkway. The space within the walkway and the approaches thereto shall be kept well-lighted with artificial lighting continuously between sunset and sunrise. Any building which is set back more than 6 feet from the street or alley property line may, in lieu of the covered walkway, be protected by a tightly built fence 6 feet high approved by the building official. The remainder of the property shall be enclosed with a fence not less than 4 feet high. All materials and debris being removed from the premises shall be sufficiently wetted down to settle any

dust caused by its removal. Exceptions to this section may be granted by the Board of Trustees in special circumstances.

**SECTION 9-505: UTILITY LINES**

Water supply and service pipes and house sewers must be disconnected and sealed in a manner approved by the building inspector. Electrical lines shall be disconnected as approved by the electrical franchisee holder of the village. (Am. Ord. No. 2015-1, 4/21/15)

**SECTION 9-506: BURNING MATERIALS**

No burning of materials during the performance of demolition work shall be permitted without written authorization of the village and approval by the State Department of Environmental Quality.

**SECTION 9-507: COMPLETION**

All demolition work must be completed pursuant to the rules and regulations of the Environmental Protection Agency and the Nebraska Department of Health. (Am. Ord. No. 2015-1, 4/21/15)

**SECTION 9-508: ORDER TO STOP**

The building official shall have the authority to stop the demolition or removal of any building or structure, or part thereof, when the same is being done in a reckless or careless manner or in violation of provisions of this chapter or any other ordinances of the village. When such work is stopped by order of the building official, it shall not be resumed without approval of the building official. A demolition permit may be revoked by the building official at any time upon a violation of the terms thereof or upon a violation of any of the provisions of this chapter or any other ordinance of the village.

## **Article 6 – Rooming House Regulations**

### **SECTION 9-601: TOILET AND BATH FACILITIES**

At least one flush water closet, lavatory basin, and bathtub or shower shall be supplied for each eight persons or fraction thereof residing within a rooming house wherever they share the use of the facilities. In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be so located within the rooming house as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such required facility shall be located so as to be more than one floor removed from any dwelling unit.

### **SECTION 9-602: MINIMUM FLOOR AREA**

Every room occupied for sleeping purposes only by one person shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 additional square feet of floor space for each additional occupant thereof.

### **SECTION 9-603: EXITS**

Every rooming house shall have safe and unobstructed exits leading from each level to safe and open space at ground level as required by state law. (Neb. Rev. Stat. §17-130)



## Article 7 – Swimming Pools

### SECTION 9-701: DEFINITION

The term "swimming pool" as used herein shall mean any area designed, constructed, modified or used for the purpose of engaging in swimming. (Ord. No. 86-8, 9/15/86)

### SECTION 9-702: ENCLOSURE

A. Every swimming pool which is so constructed that it may contain a depth of water of at least 18 inches shall be completely surrounded by a fence or wall not less than 4 feet in height, which shall be so constructed as to not have openings, holes, or gaps larger than 4 inches in any dimension except for doors and gates. If a picket fence is erected or maintained, the horizontal dimensions shall not exceed 4 inches between slats. A dwelling house or accessory building may be used as part or all of such enclosure.

B. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when a person over the age of 16 years is not physically present at the swimming pool. Such doors or gates shall also include locking devices and all gates or doors shall be locked at all times that a person over the age of 16 years is not physically present at the swimming pool.

(Ord. No. 86-8, 9/15/86) (Am. by Ord. No. 92-13, 5/18/92)

### SECTION 9-703: NEIGHBORING PROPERTY OWNERS

No swimming pool shall be located, designed, operated or maintained so as to interfere unduly with the enjoyment of the property rights by owners of property adjoining such swimming pool. Lights used to illuminate any swimming pool shall be so arranged and shaded so as to reflect light away from adjoining premises. (Ord. No. 86-8, 9/15/86)

### SECTION 9-704: EXISTING POOLS; ENCLOSURE

It shall be unlawful for any person in possession of land within the city, either as owner, purchaser, lessee, or tenant, upon which is situated a swimming pool having a minimum depth of 18 inches, to fail to provide and maintain such fence or wall as herein provided. Any such swimming pool in existence on the date this article becomes effective shall, within 180 days from such effective date, enclose such pool with a fence or wall as required herein. (Ord. No. 86-8, 9/15/86)



## **Article 8 – Penal Provision**

### **SECTION 9-801: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Am. by Ord. Nos. 89-8, 2/19/90; 2002-13, 10/15/02)