

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE VILLAGE OF MALCOLM, LANCASTER COUNTY, NEBRASKA, TO AMEND SECTION 9-103 AND TO ADD A NEW SECTION 12-104 TO ALLOW THE SUSPENSION AND REINSTATEMENT OF CERTAIN PERMITS AND TO IMPOSE FEES THEREFOR; TO AMEND THE MASTER FEE SCHEDULE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE

**BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF MALCOLM, NEBRASKA:**

**Section 1.** Section 9-103 of the Village Code is hereby amended as follows:

9-103 Building Inspector; Permit Limitation

- (a) If the work for which a permit has been issued shall not have begun within six (6) months of the date thereof, or if the construction shall be discontinued for a period of six (6) months, the permit shall be void, and before such work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.
- (b) The Building Inspector or Governing Body may suspend a building permit for failure to comply with the terms and conditions of its issuance, in which case written notice thereof shall be provided to the owner and/or applicant and all work shall cease immediately upon receipt of said notice. The property owner and/or applicant may appeal the suspension to the Board of Adjustment by written request delivered to the Village Clerk within five (5) days of receipt of the notice of suspension. The appeal hearing shall be held within thirty (30) days. A suspended building permit shall only be reinstated upon sufficient showing that the violations have been remedied. The Governing Body may establish any reinstatement fees by separate ordinance.
- (c) Any work that proceeds before the issuance of a building permit, after the expiration of a building permit, or during such time the permit is suspended, shall be deemed a nuisance subject to abatement. Any person who performs such work shall be guilty of a misdemeanor and subject to a fine not to exceed \$500.00 per occurrence.

**Section 2.** A new Section 12-104 shall be added to the Village Code as follows:

12-104 Permits

- (a) The Governing Body may suspend any permit issued under this Chapter for failure to comply with the terms and conditions of its issuance, in which case written notice thereof shall be provided to the owner and/or applicant and all activities previously authorized by the permit shall cease immediately upon receipt of said notice. The property owner and/or applicant may appeal the suspension to the Board of Adjustment by written request delivered to the Village Clerk within five (5) days of receipt of the notice of suspension. The appeal hearing shall be held within thirty (30) days. A suspended permit shall only be reinstated upon sufficient showing that the violations have been remedied. The Governing Body may establish any reinstatement fees by separate ordinance.

(b) Any person who engages in any regulated use or activity before the issuance of the applicable permit, after the expiration of the applicable permit, or during such time the applicable permit is suspended, shall be guilty of a misdemeanor and subject to a fine not to exceed \$500.00 per occurrence.

**Section 3.** The Master Fee Schedule shall be amended to include the following fees:

Reinstatement of Building Permit: greater of 10% of value of improvement or \$250

Reinstatement of Conditional Use / Use Permit: \$250

**Section 4.** Any conflicting provisions in the Malcolm Village Code or other ordinances are hereby repealed.

**Section 5.** This ordinance shall be published in book or pamphlet form and posted in three (3) public locations in the Village of Malcolm. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as provided by law.

SUSPEND  
READINGS  
(3/4 VOTE)

10/4/2023

FIRST READING

\_\_\_\_\_

SECOND READING

\_\_\_\_\_

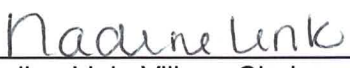
THIRD READING

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PASSED AND APPROVED THIS 4<sup>TH</sup> DAY OF OCTOBER 2023

  
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Jerad Little, Chairperson, Board of Trustees

ATTESTED AND PUBLISHED IN BOOK OR PAMPHLET FORM AND BY POSTING IN THE VILLAGE HALL, POST OFFICE, AND FIRE STATION PER § 1-405 AND § 1-410 OF THE MALCOLM MUNICIPAL CODE WITHIN FIFTEEN (15) DAYS OF PASSAGE ON THE 2<sup>ND</sup> DAY OF AUGUST 2023.

  
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Nadine Link, Village Clerk

