

ORDINANCE NO. 2020 - 1

AN ORDINANCE RELATING TO VACANT PROPERTY; ADDING NEW PROVISIONS RELATED TO REGISTERING VACANT PROPERTY, COLLECTING FEES FOR VACANT PROPERTIES, PLANNING FOR REHABILITATION OF VACANT PROPERTIES, AND ENCOURAGING OCCUPANCY OF VACANT PROPERTIES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

SECTION 1. The Village of Petersburg Ordinance No. 2020-1 is added and reads as follows regarding vacant property:

**REGISTRATION OF VACANT PROPERTY.**

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMMERCIAL BUILDING**

(a) Commercial building means any building used for commercial purposes. Examples of commercial buildings include, but are not limited to, offices, retail spaces, warehouses, and factories.

**OWNER**

(a) Owner means the person or persons shown to be the owner or owners of record on the records of the register of deeds.

**PROGRAM ADMINISTRATOR**

(a) The program administrator means the Village Health Board.

**PROPERTY**

(a) Property means either a residential building or a commercial building located within the corporate limits of the Village of Petersburg but does not include property owned by the federal government, the State of Nebraska, or any political subdivision thereof.

**RESIDENTIAL BUILDING**

(a) Residential building means a house, a condominium, a townhouse, an apartment unit or building, a trailer house, or any other structure used or designed for use as a residence.

**VACANT**

(a) A property is vacant if any condition or circumstance that on its own, or in combination with other conditions or circumstances, would lead a

reasonable person to believe that the property is vacant. Such conditions or circumstances may include, but are not limited to:

- (i) Overgrown or dead vegetation, including grass, shrubbery, and other plantings;
- (ii) An accumulation of abandoned personal property, trash or other waste;
- (iii) Visible deterioration or lack of maintenance of any building or structure on the property;
- (iv) Graffiti or other defacement of any building or structure on the property; or
- (v) Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes or being used for the operation of a lawful business.

(B) The owner of a vacant property must register such property with the program administrator if the property has been vacant for one-hundred eighty (180) days or longer. At the time of registration, the owner must submit a plan for occupancy for the property detailing how and when the property will be occupied or used.

(C) A vacant property registration ordinance registration form shall be in either paper or electronic form, and the following information shall be required:

- (a) The name, street address, mailing address, telephone number, and, if applicable, the facsimile number and email address of the property owner and his or her agent;
- (b) The street address and parcel identification number of the vacant property;
- (c) The transfer date of the instrument conveying the property to the owner;
- and
- (d) The date on which the property became vacant.

(D) The program administrator may, but is not obligated to, determine a property is vacant. The program administrator will provide written notice to the owner of any such determination by certified mail to the owner at the address maintained in the register of deeds' office at least ten days prior to such a determination.

(E) One-hundred eighty (180) days after the initial registration of a vacant property, or three-hundred sixty (360) days after the property becomes vacant, whichever is earlier, the owner must pay a fee of two-hundred fifty dollars (\$250.00) for a residential building or one thousand dollars (\$1,000.00) for a commercial building.

(F) Every six months following the assessment of the initial registration fee, the owner of a vacant property must pay a supplemental registration fee of five-hundred dollars (\$500.00) for a residential building or two-thousand dollars (\$2000.00) for a commercial building as long as the property remains vacant.

The total supplemental registration fee may not exceed ten times the initial registration fee amount.

- (G) An owner who, in good faith, advertises a vacant property for sale or lease is exempt from the above registration and fee requirements.
- (H) The following exemptions apply to the vacant property registration and fee requirements:
  - (a) A residential building used only as seasonal residence is exempt provided the building is seasonally occupied;
  - (b) A property damaged by fire, weather, explosion, act of God, or vandalism within six months prior to becoming vacant is exempt from the requirements. Such damaged properties are no longer exempt after the six-month period;
  - (c) A property under construction or renovation is exempt to the extent the construction or renovation is ongoing and in compliance with all relevant building permits and codes;
  - (d) A residential building where the owner is temporarily absent, but who has demonstrated his or her intent to return is exempt unless it is subsequently determined the owner does not intend to return; and
  - (e) A property which is subject to divorce, probate, or estate proceedings is exempt until the end of the respective proceeding.
- (I) Any subsequent owner of a vacant property subject to this Ordinance assumes the obligations of the previous owner.
- (J) The program administrator may annually inspect the interior and exterior of a registered vacant property so long as the property remains on the vacant property registration database. An owner will be provided at least ten (10) days' notice prior to an annual inspection.
- (K) Upon written notice from the owner of a registered vacant property to the program administrator that the property is no longer vacant, the program administrator will within thirty (30) days inspect the interior and exterior of the property to confirm the property is no longer vacant. The owner must pay any supplemental registration fee that comes due during the period between the owner's written notice and the program administrator's inspection, but upon the program administrator's confirmation the property is no longer vacant, the program administrator may refund the supplemental registration fee so occurring.
- (L) After the program administrator confirms a property is no longer vacant, the program administrator will remove the property from the vacant property registration database within seven (7) days. No supplemental registration fee will be assessed after confirmation that a property is no longer vacant irrespective of the property's presence on the registration database.

(M) Owners have the right to prior notice and to appeal adverse decisions of the program administrator to the village board of trustees. Such appeal shall be taken by filing with the village board of trustees, within seven days after a notice of the decision has been mailed to the owner's last known address, a written statement setting for the grounds for the appeal. The village board of trustees shall set the time and place for a hearing on such appeal, and notice shall be given to the owner by certified or registered mail, postage prepaid, at the owner's last known address. The order of the village board of trustees on such appeal shall be final.

(N) Failure to comply with the requirements of Ordinance No. 2020-1 is a violation of this Ordinance and is subject to the penalties found in this Ordinance.

(O) The requirements and remedies in this section are supplemental and in addition to any other laws of the State of Nebraska and the ordinances of this Code relating to vacant property.

SECTION 2: All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3: If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof, not adjudged invalid or unconstitutional.

SECTION 4: This Ordinance shall be in full force and effect after its final passage, approval and publication as provided by law.

Introduced by:

Seconded by:

PASSED AND APPROVED this 4th day of February, 2020.

Published: 2/12/2020

Corey Stokes, Village Board of Trustees  
Chairperson

ATTEST:

Jeanne Stokes, Village Clerk