

ORDINANCE NO. 937

AN ORDINANCE OF THE CITY OF HEBRON, NEBRASKA REGULATING VACANT BUILDINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HEBRON, NEBRASKA, AS FOLLOWS:

Section 1. Purpose.

Recognizing that vacant buildings and properties contribute to blight in commercial neighborhoods, discourage economic development and retard appreciation of property values, endanger public health and safety, attract criminal activity, and create fire hazards, it is the responsibility of property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. Maintenance of the public health, safety and welfare thus requires the City to maintain an accurate registration of all vacant buildings and properties.

Section 2. Definitions.

- A. Building means a building, accessory structure, mobile or modular structure, or other structure adapted to permanent occupancy for residential or commercial property.
- B. City means the City of Hebron.
- C. Chronic Vacancy means any building or property vacant and unregistered one (1) year or more.
- D. Commercial means any structure or property classified as a commercial structure under the zoning ordinances of the City of Hebron.
- E. Owner means the person, persons or entity identified as the owner or owners on the last deed of record.

- F. Unsecured means that access to the building may be obtained through open, unlocked, broken or missing doors or windows of such building.
- G. Vacant Building means a building or property that is unattended or unoccupied, and is not actively used as a place of business, or the building is frequently open or unsecured so that unauthorized admittance may be gained without damaging any portion of the property, A commercial building or property will be considered vacant when found to be in the above condition for more than six (6) months and subject to the registration requirements found in this Ordinance.

Section 3. Registration and Maintenance Requirements; Fees.

- A. The owner of a vacant building or property must register the building with the City Clerk within twenty (20) days of written notice provided to the owner or the owner's resident agent of the existence of the vacant building. Such notice shall be served on the owner or resident agent by personal service or by certified mail, return receipt requested. If the owner is a non-resident, such notice shall be personally served or sent by certified mail, return receipt requested, to the last known address of the owner.
- B. The City shall also accept notifications by mail or electronic transmissions of a building or property that meets the definition of a Vacant Building or Property as defined in this Ordinance and shall pursue registration of said building/property in accordance herewith.
- C. The required registration shall be submitted on the form provided by the City and available on the City's website, which form shall include the name, current mailing address, phone number and any other contact information of the owner; the names and addresses of all known lien holders and all other parties with a legal or equitable ownership interest in the building; the common address of the building, as well as the parcel identification and sale or rental price. The form shall also include the period of time the vacant building is expected to remain vacant, and a plan and timetable for either:
 - 1. returning the vacant building or property to appropriate

occupancy or use, including compliance with the minimum maintenance standard of this Ordinance; or

2. marketing the property.

D. Pursuant to the registration requirements of this subsection, for every subsequent year a building remains vacant beyond the initial registration, the owner of the vacant building must:

1. re-register the building or property, including appropriate fees, and

2. submit an updated plan for either returning the vacant building or property to appropriate occupancy or use, or marketing thereof.

E. If the owner of the vacant building or property does not reside in Thayer County for at least six (6) months a year, then they must provide the information for a resident agent with authority to act with respect to the property, such resident agent to reside in Thayer County at least six (6) months a year, including name, current mailing address, phone number and any other contact information of the owner's agent. Failure to identify a resident agent is grounds for rejection of the registration application without refund of the application fee as well as the penalties herein.

F. Any subsequent owner of a vacant building or property must register or re-register the building with the City within thirty (30) days of any transfer of any ownership interest in the vacant building.

G. The owner of a vacant building or property must keep the building and any adjoining property secure, safe and maintained in compliance with all federal, state and local ordinances and regulations.

H. A registration fee of One Hundred Dollars (\$100.00) per building, shall be collected by the City Clerk at the time of registration or re-registration.

Section 4. Inspections; Minimum Maintenance Standards; Ongoing Obligation.

A. Upon the request of the City Clerk, an owner shall provide access to all

interior portions of any vacant building or suspected vacant building in order to permit a complete inspection of the same by a representative of the City of Hebron.

- B. No registration application under this chapter shall be accepted unless the vacant building or property meets a minimum maintenance standard as assessed by the City's designated officer, with or without the advice and assistance of any third party professional(s) with the specialized knowledge necessary to conduct such assessment, including structural integrity, a roof in adequate condition to repeal moisture and the elements, intact walls, windows and doors which allow for securing the building or property such that it will not deteriorate, attract pests, or pose a safety risk to the public.
- C. The owner of vacant building or property will make the property available for an initial inspection within seven (7) days of submitting the registration application, and again within fourteen (14) days of the City's request of subsequent inspections in order to ascertain the ongoing condition of the building and compliance with this Ordinance, as well as the City's building codes. Such inspections shall take place at reasonable times during business hours. Failure to permit an inspection hereunder is grounds for rejection of the registration application without refund of the application fee as well as the penalties identified herein.

Section 5. Penalties; Procedures.

A. Penalties.

- 1. Any owner who fails to register a vacant building under this article shall be liable for a civil penalty of five hundred dollars (\$500.00).
- 2. If the building continues to meet the definition of a vacant building for a period of ninety (90) calendar days beyond the required registration or re-registration date, and the owner fails to register or re-register such building, the City Clerk shall assess a penalty of five hundred dollars (\$500.00) for each ninety (90) calendar day period the building continues to be unregistered.

3. If a building or property is vacant and unregistered more than one (1) year and remains unregistered it shall be classified as a chronic vacancy, and as a chronic vacancy a building or property shall be subject to a fee of \$5,000.00 per year of chronic vacancy with a 10% annual increase. Funds derived from said fee shall be used to offset the City's costs of annual inspections as provided in this Ordinance.
4. All penalties assessed shall be payable directly to the City of Hebron.
5. Any and all civil penalties assessed under this section shall be billed to the owner or other responsible party. Failure or refusal to pay any and all such penalties permits the City to pursue any and all available legal remedies for the enforcement and collection of such penalties; including but not limited to, civil actions being filed in any court of competent jurisdiction, abatement of nuisances maintained in violation of this chapter, institution of injunction, mandamus, or other appropriate action or proceedings to enforce the penalty provisions of this chapter.
6. When penalties assessed under this paragraph have gone unpaid for one (1) year, they shall be added to the county's tax rolls as special assessments.

B. Procedures.

1. Upon failure to register a vacant building a Notice of Registration Penalty shall be issued to the owner.
2. A separate Notice of Registration Penalty shall be issued for each subsequent penalty that may be assessed.
3. The Notice of Registration Penalty shall be served upon the owner by certified mail or personal service.
4. This chapter in no way limits the penalties, actions or abatement procedures which may be taken by the City for a violation of any other ordinance of the City or statute of the State of Nebraska.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This ordinance shall take effect upon its passage and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2020.

CITY OF HEBRON, NEBRASKA, A Municipal Corporation

By _____
Douglas W. Huber
Mayor

ATTEST:

Jana Tietjen
City Clerk

Item # 6

ORDINANCE NO. 938

AN ORDINANCE OF THE CITY OF HEBRON, NEBRASKA REGULATING DANGEROUS AND UNFIT STRUCTURES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HEBRON, NEBRASKA, AS FOLLOWS:

Section 1. Purpose.

The governing body has found that there exist, within the corporate limits of the City, structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this Ordinance.

Section 2. Definitions.

For the purpose of this chapter, the following words and terms shall have the following meanings:

- (a) Enforcing officer means the Mayor or his or her appointed representative.
- (b) Structure shall include any building, wall superstructure or other structure which is affixed to the ground; requires location on the ground; or is attached to something having a location on the ground.

Section 3. Enforcing Officer; Duties.

The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this Ordinance, including the following:

- (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation or occupation;

- (b) Enter upon the premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may, after receiving authorization from the City Council, seek an order for this purpose from a court of competent jurisdiction;
- (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation or occupation to the governing body; and
- (d) Receive petitions as provided in this chapter.

Section 4. Procedure; Petition.

Whenever a petition is filed with the enforcing officer by at least five (5) residents charging that any structure is dangerous, unsafe or unfit for human habitation or occupation, or whenever it appears to the enforcing officer that any structure is dangerous, unsafe or unfit for human habitation or occupation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body.

Section 5. Notice.

The governing body, upon receiving a report as provided in Section 4 shall, by resolution, fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.

Section 6. Publication.

- (a) The resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least fifteen (15) days shall elapse between the last publication and the date set for the hearing.
- (b) A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each owner and occupant at the last known place of residence and shall be marked "deliver to addressee only." Alternatively, a copy of the resolution may be served by personal service upon the owner and occupant, and a copy posted conspicuously on the premises.

Section 7. Hearing; Order.

If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use, occupation or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to or served upon the owners and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently prosecute the same until the work is completed, the governing body will cause the work to be done or the structure to be razed and removed.

Section 8. Duty of Owner.

Whenever any structure within the City shall be found to be dangerous, unsafe or unfit for human use, occupation, or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same.

Section 9. Failure to Comply.

- (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, or to be vacated and closed
- (b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may, after receiving authorization from the City Council, cause the structure to be removed or demolished.

Section 10. Make Site Safe.

Upon removal of any structure the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.

Section 11. Assessment of Costs.

- (a) The cost to the City of any repairs alternations, improvements, vacating, removal or demolition by the enforcing officer, including make the site safe, shall be reported to the City Clerk.
- (b) The City shall give notice to the owner of the structure by restricted mail or personal service of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within thirty (30) days following receipt of the notice.
- (c) If the costs remain unpaid after thirty (30) days following receipt of notice, the City Clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.
- (d) If the proceeds of the sale of salvage or from the proceeds of any insurance policy are insufficient to recover the above stated costs or if there is no salvage, the balance shall be collected in the manner by filing a civil action therefor, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs to the County Treasurer who shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the County Treasurer and paid to the City as other city taxes are collected and paid. The City may pursue collection both by levying a special assessment and civil action but only until the cost and applicable interest has been paid in full.

Section 12. Immediate Hazard.

When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate actions to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in Section 11 of

this Ordinance.

Section 13. Scope.

Nothing in this Ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this Ordinance shall be in addition to and supplemental to the powers conferred by any other law or ordinance. Nothing in this Ordinance shall be construed to impair or limit, in any way, the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted by Nebraska law and the Hebron Municipal Code.

Section 14. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 15. This ordinance shall take effect upon its passage and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2020.

CITY OF HEBRON, NEBRASKA, A Municipal Corporation

By _____
Douglas W. Huber
Mayor

ATTEST:

Jana Tietjen
City Clerk

Item # 7

ORDINANCE NO. 939

AN ORDINANCE OF THE CITY OF HEBRON, NEBRASKA ESTABLISHING REGULATIONS FOR THE OPERATION OF ALL-TERRAIN VEHICLES, UTILITY VEHICLES, AND SCOOTERS WITHIN THE CORPORATE LIMITS; PROVIDING FOR AN EFFECTIVE DATE HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HEBRON, NEBRASKA, AS FOLLOWS:

Section 1. Section 73.02 of the Hebron Municipal Code shall hereafter provide as follows:

73.02. All Terrain Vehicles, Utility Vehicles, Golf Carts and Scooters; Operation Thereof Within Corporate Limits. (a) An all-terrain vehicle, utility vehicle, a scooter (as the same are defined in Section 73.01 of this Code) or a golf cart (small vehicle designed originally to carry two golfers and their golf clubs around a golf course), may be operated on the streets and highways within the City of Hebron only between the hours of sunrise and sunset. Any person operating such vehicle as authorized herein shall have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126, shall have liability insurance coverage for the vehicle while operating it on a street or highway, and shall not operate such vehicle at a speed in excess of thirty miles per hour. The person operating the vehicle shall provide proof of such insurance coverage to any law enforcement officer requesting such proof within five days of such a request. When operating an all-terrain vehicle, a utility vehicle or a scooter as authorized herein, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. Golf carts are exempt from the requirement of lights.

- (b) All-terrain vehicles, utility vehicles, golf carts and/or scooters may be operated without complying with subparagraph (a) above on highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

Section 2. This ordinance shall be effective from and after its passage and publication as provided by law.

Section 3. All ordinances or parts of ordinances in conflict herewith, including but not limited to Sections 73.02, 73.03, 73.04, 73.05, 73.06 and 73.07 of the Hebron Municipal Code are hereby repealed.

PASSED AND APPROVED this _____ day of _____, 2020.

CITY OF HEBRON, NEBRASKA, A Municipal Corporation

By _____
Douglas W. Huber
Mayor

ATTEST:

Jana Tietjen
City Clerk