

Amended by CCIS  
No. 1276 "A" of  
11/17/15 (SM)

ORDINANCE NO. 40565

1 AN ORDINANCE to amend Chapter 48 of the Omaha Municipal Code, entitled "Property  
2 Maintenance Code of the City of Omaha," to add a new Division 15, entitled "City of  
3 Omaha Vacant and Abandoned Property Ordinance", to provide for the establishment of  
4 a registration system, including fees and fines, for abandoned, neglected and vacant  
5 properties and institute guidelines for the maintenance and security of abandoned,  
6 neglected and vacant properties; and to provide the effective date thereof.

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

8 Section 1. That Chapter 48 of the Omaha Municipal Code is hereby amended by adding  
9 a new Division 15, entitled "City of Omaha Vacant and Abandoned Property Ordinance,"  
10 consisting of new sections numbered 48-141 through 48-162, reading as follows:

11 DIVISION 15. ABANDONED AND VACANT PROPERTY ORDINANCE

12  
13 **Sec. 48.141. Title.**

14  
15 The provisions of section 48-141 through section 48-162, inclusive, shall be known as the  
16 "City of Omaha Vacant and Abandoned Property Ordinance."

17  
18 **Sec. 48-142. Purpose.**

19  
20 It is the intent of the City of Omaha, through the adoption of this division, to establish a  
21 mechanism to protect residential and non-residential neighborhoods from becoming blighted  
22 through the lack of maintenance and security of abandoned properties, as such buildings  
23 constitute a nuisance. It is the obligation of the responsible parties to prevent these properties  
24 and buildings from becoming a burden to the neighborhood and community and a threat to the  
25 public health, safety, and welfare.

26  
27 The establishment and enforcement of an vacant and abandoned property registration  
28 program to monitor such properties and buildings, to ensure they are free of code violations and  
29 fees and fines prior to sale or occupation, to set forth guidelines for the maintenance and security  
30 of abandoned properties and develop a means to decrease the number of neglected buildings is  
31 necessary to adequately protect the public health, safety and welfare of the citizens of Omaha.  
32

1 **Sec. 48-143. Public Nuisance.**

2  
3 Abandoned real property or neglected buildings, as defined in this division of this  
4 chapter, shall constitute a public nuisance.

5  
6 **Sec. 48-144. Violation not exclusive.**

7  
8 Violations of this chapter are in addition to any other violations enumerated within the  
9 ordinances of the Omaha Municipal Code. This chapter in no way limits the penalties, actions, or  
10 abatement procedures which may be taken by the city for a violation of this chapter which is also  
11 a violation of any other ordinance of the City of Omaha or statute of the State of Nebraska.

12  
13 **Sec. 48-145. Inspection of property; enforcement.**

14  
15 The Superintendent of the Permits and Inspection Division (“Building Official”) or their  
16 designated representative(s) are authorized to investigate and enforce this division and are hereby  
17 authorized and directed to make complaint-initiated inspections to determine the condition of  
18 property located within the city or within the three mile extraterritorial jurisdiction in order to  
19 perform the duty of safeguarding the health, safety and welfare of the general public and in order  
20 to ascertain that property as described and addressed in this division is registered and maintained  
21 as required herein.

22  
23 **Sec. 48-146. Definitions.**

24  
25 Certain words and phrases in section 48-142 through section 48-162 are defined, when  
26 used in either singular or plural form herein, as follows:

27  
28 (a) **Abandoned real property** means any structure that is vacant and exhibits evidence of  
29 vacancy; and

- 30  
31 1) is a property that is the subject of a notice of sale by a lender or mortgagee  
32 pursuant to either a mortgage or deed of trust; or  
33 2) is a property that is the subject of a tax lien certificate; or  
34 3) is a property that is the subject of an active or ongoing action in foreclosure; or  
35 4) is a property that has been the subject of a sheriff’s or trustee’s sale in foreclosure,  
36 in which the highest or successful bidder was the beneficiary of a mortgage or  
37 deed of trust involved in the foreclosure; or  
38 5) is a property that is the subject of a deed in lieu of foreclosure in favor of the  
39 beneficiary of a mortgage or deed of trust.

40  
41 (b) **Accessible property** shall mean a property that is physically accessible through a  
42 compromised or breached gate, fence, wall or other barrier intended to provide physical  
43 security to the property, or by the absence of such barrier.

- 1 (c) Accessible structure shall mean a structure or building that is unsecured, compromised  
2 or breached in such a way as to allow access to the interior space by unauthorized  
3 persons.  
4
- 5 (d) Boarded up shall mean that some or all of the structure's doors or windows have been  
6 covered with plywood, wood, or metal sheeting, paneling, or other similar materials, for  
7 the purpose of preventing entry into the structure by persons, animals, or the elements of  
8 weather.  
9
- 10 (e) Building Official shall mean the Superintendent of the Permits and Inspection Division  
11 or their designee(s).  
12
- 13 (f) Deterioration shall mean to weaken, disintegrate, corrode, rust or decay, and lose  
14 effectiveness that may result in the lowering in quality of the condition or appearance of a  
15 building, structure or parts thereof, which is characterized by holes, breaks, rot,  
16 crumbling, peeling, rusting, or any other evidence of physical decay, neglect or lack of  
17 maintenance.  
18
- 19 (g) Evidence of vacancy shall mean any condition or circumstance that on its own, or  
20 combined with other conditions or circumstances present, would lead a reasonable person  
21 to believe that a property is vacant. Such conditions may include, but not are limited to:  
22
  - 23 1) overgrown or dead vegetation, including lawns, shrubbery and other plantings;
  - 24 2) accumulation of abandoned personal property, trash or waste;
  - 25 3) visible deterioration or lack of maintenance of any building or structure on the  
26 property;
  - 27 4) graffiti on or other defacement of any building or structures on the property; or
  - 28 5) any other condition or circumstance reasonably indicating that the property is not  
29 occupied.  
30
- 31 (h) Foreclosure shall mean the process, either judicial or non-judicial, invoked by the owner  
32 or holder of a mortgage or deed of trust, by which a property placed as security for a real  
33 estate loan is sold at public or private sale to satisfy the debt of the borrower in the event  
34 of a default by the borrower under the terms of the promissory note, mortgage or deed of  
35 trust.  
36
- 37 (i) Mortgagee shall mean the person or entity that is the owner or holder of a mortgage,  
38 deed of trust or similar instrument encumbering real property as security for a promissory  
39 note or other debt.  
40
- 41 (j) Neglected building shall mean any structure that is vacant and exhibits evidence of  
42 vacancy and wherein one or more of the following events have occurred:  
43

- 1           1) Within the last six months, the property is the subject of two or more notices of
- 2           violation of the provisions of chapter 48 of this code;
- 3           2) The structure is repeatedly unsecured for 30 days or more;
- 4           3) The structure has sustained significant fire, wind, or water damage, is
- 5           uninhabitable and no visible signs of consistent efforts to repair, rehabilitate,
- 6           demolish, or remove the structure are evident within ninety (90) days after the
- 7           occurrence resulting in the damage described herein;
- 8           4) The structure has been declared a nuisance pursuant to Neb. Rev. Stat. §18-1722;
- 9           5) The structure has been boarded up for a period of more than ninety (90) days;
- 10          6) The structure has been declared and placarded by the Permits and Inspection
- 11          Division as an unsafe structure pursuant to this code for more than two years;
- 12          7) The structure has sustained substantial deterioration due to lack of maintenance
- 13          and the owner has failed to comply with a previous notice to correct a violation of
- 14          this code;
- 15          8) The owner has failed to appear and a warrant has been issued in the County Court
- 16          of Douglas County, Nebraska for a violation of chapter 48 of this code regarding
- 17          an unoccupied building or structure with violations; and
- 18          9) The owner has refused to accept service of notices of violations of chapter 48 of
- 19          this code, when proper service has been attempted.

20  
21           A vacant structure shall not be deemed a neglected building if such structure is compliant  
22           with this code, except that water, electric, or other utilities have been disconnected at the  
23           request of the owner.

24  
25   (k)   **Owner** shall mean any person or entity who is a holder of any legal or equitable interest  
26   in the property, and either alone or jointly or severally with others;

- 27
- 28           1) Has record legal title to the property or any structure, regardless of any actual
- 29           possession thereof; or
- 30           2) Has charge, care or control of the property or any structure, pursuant to any legal
- 31           or equitable interest or as personal representative, trustee, or guardian of the estate
- 32           of the owner.

33  
34           Owner shall not include a property manager or mortgagee, except a mortgagee defined as  
35           a responsible party under section 48-146(m).

36  
37   (l)   **Property manager** shall mean a property manager, property management or  
38   maintenance company, or similar person or entity responsible for the maintenance of real  
39   property as agent of an owner or other responsible party.

40  
41   (m)   **Responsible party** shall mean:  
42  
43

- 1           1) the owner; or
- 2           2) the owner or holder of a mortgage, deed of trust or similar instrument
- 3           encumbering real property ("mortgagee") when the encumbered real property is
- 4           subject to:
- 5               a. a deed in lieu of foreclosure in favor of the mortgagee that has been
- 6               delivered to the mortgagee; or
- 7               b. a decree in foreclosure in favor of the mortgagee; or
- 8               c. a trustee or sheriff's sale in which the mortgagee was the successful or
- 9               highest bidder; or
- 10          3) both the party described in section 48-146(m)(1) and section 48-146(m)(2) above.

11  
12 (n) **Structure** shall mean a building, accessory structure, or other framework used or  
13 intended to support permanent or continuous occupancy of either a residential or non-  
14 residential nature.

15  
16 (o) **Unsecured** shall mean that access to the structure may be obtained through open,  
17 unlocked, broken, or missing doors or windows in such a manner that access may be  
18 gained with little or no damage to any portion of the building.

19  
20 (p) **Vacant parcel** shall mean any property on which no building or structure exists thereon  
21 that exhibits evidence of vacancy or is not legally occupied.

22  
23 **Sec. 48-147. Applicability and parties responsible for compliance.**

24  
25 (a) The responsible party, as defined in this division, shall comply with all provisions of this  
26 division, including but not limited to, maintenance and security of real property and  
27 structures for which they are obligated in accordance with the provisions of this code, and  
28 in accordance with all other applicable provisions of the local, state and federal law.

29  
30 (b) This division shall also apply to properties that have been the subject of a foreclosure sale  
31 at which the mortgagee was the highest or successful bidder, a decree in foreclosure in  
32 favor of the mortgagee and to property subject to a deed-in-lieu of foreclosure in favor of  
33 the mortgagee.

34  
35 (c) This division shall be considered cumulative and not superseding of, or subject to, any  
36 other law or provision relating to the same subject, but shall rather be an additional  
37 remedy available above and beyond any other state or local law or regulation.

38  
39  
40 **Sec. 48-148. Registration of abandoned real properties, neglected buildings or vacant**  
41 **parcels.**  
42

1 (a) The responsible party for abandoned real property, a neglected building or vacant parcel  
2 shall be required, after written notification from the Permits and Inspection Division, to  
3 register such abandoned real property, neglected building or vacant parcel with the  
4 Permits and Inspection Division within thirty days of the date of the notice from the  
5 Permits and Inspection Division. In the event the responsible party undertakes and  
6 completes the necessary maintenance and security measures such that the property no  
7 longer requires registration under this division within thirty days of the date of the notice  
8 from the Permits and Inspections Division, notifies the Building Official of the actions  
9 taken pursuant to this section and the Building Official verifies the property no longer  
10 meets the requirements for registration, then registration will not be required. Written  
11 notification required herein and sent pursuant to section 48-63 shall be deemed good  
12 service. If the responsible party resides outside the City of Omaha, such notice shall be  
13 sent by regular first class U. S. mail to the last known address of the responsible party  
14 and shall be deemed good service upon deposit with the United States Postal Service.  
15 Service on a Property Manager shall be deemed good service on the responsible party.  
16

17 (b) The registration required by the responsible party under this section shall be made on a  
18 form provided by the Permits and Inspections Division and shall include the following  
19 information for the property identified in the notice received pursuant to section 48-  
20 148(a):  
21

- 22 1) The correct legal description and address of the property.
- 23 2) The names, addresses, telephone numbers, and email addresses of all responsible  
24 parties.
- 25 3) The names, addresses, and telephone numbers of all known lienholders and all  
26 other parties with a legal or equitable interest in the property or any structures  
27 thereon, and shall specifically include the name of the mortgagee, the direct  
28 mailing address of the mortgagee, the name and direct telephone number of  
29 mortgagee's designated contact person as required by NEB. REV. STAT. § 25-2142.
- 30 4) The name, address, telephone number, and email address of the property manager  
31 designated to act on behalf of the responsible party, except if the responsible party  
32 will be the property manager.
- 33 5) The period of time the structure(s) is reasonably expected to remain unoccupied  
34 under the circumstances.
- 35 6) A plan and timetable to bring the structure(s) into compliance with chapters 40,  
36 43, 44, 48 and 49 of the code. Building plans are not required for the purposes of  
37 registration under this section.
- 38 7) If the responsible party does not intend to sell, repair, or rehabilitate the  
39 structure(s), then the responsible party shall provide a plan for removal or  
40 demolition of all buildings and structures, including a reasonable timeline for  
41 completion.
- 42 8) Abandoned real property, a neglected building or vacant parcel shall not be  
43 deemed registered until all requirements of registration have been satisfied to a

1 reasonable degree as determined by the Building Official. The Building Official  
2 shall have the authority to deny a registration for the following reasons:

- 3  
4 a. The information supplied by the responsible party is incomplete, false,  
5 fictitious, or inaccurate.  
6 b. The timetable for bringing the structure into compliance is unreasonably  
7 long.  
8 c. The plan for repairs and bringing the structures(s) into compliance does  
9 not address or correct the violations or deficiencies identified by the  
10 Permits and Inspection Division.  
11 d. More than two years have passed since the first notification to register  
12 abandoned real property, a neglected building or vacant parcel has been  
13 served or delivered to the owner or property manager.  
14 e. In the event a registration is denied, the Building Official shall refer the  
15 matter to the City Attorney for consideration of further action. The City  
16 Attorney may take any reasonable action necessary to enforce this chapter.

17  
18 (c) In addition to any other remedy permitted in this chapter, in the event a responsible party  
19 fails to timely register abandoned real property, neglected building(s) or a vacant parcel  
20 as required herein, the city may register the abandoned real property, neglected building  
21 or vacant parcel and the registration fees, all penalties, and other consequences that may  
22 or shall apply to the responsible party due to the failure to register shall be equally  
23 enforceable when such property is registered by the city. In the event the city registers  
24 abandoned real property, a neglected building or vacant parcel, such registration shall  
25 only require the information set forth in subsections 48-148(b)(1), (b)(2) and (b)(3)  
26 herein. Notice of such registration by the City shall be sent to the responsible party and  
27 property manager in the same manner as set forth in section 48-63.

28  
29 (d) A copy of the notice required and sent this under division shall be recorded by the  
30 Building Official in the records of the Register of Deeds for Douglas County, Nebraska  
31 and indexed against the property.

32  
33 (e) The responsible party for any structure that has been placarded as an unsafe structure for  
34 21 months or more as of the date of passage of this section shall have ninety (90) days  
35 from said date of passage to correct violations and otherwise bring the structure(s) into  
36 compliance with the code.

37  
38 (f) The Building Official shall maintain the registration list required by this division,  
39 identifying all properties currently registered with Permits and Inspection Division and  
40 describing all actions taken with respect to each registered property.

41  
42 (g) Each registration shall expire at the end of ninety (90) days, unless removed from the  
43 registration list, as provided for in this division. If the structure has not been removed

1 from the registration list at the expiration of a registration period provided for herein, the  
2 responsible party or City shall re-register the building pursuant to this section.

3  
4 (h) Registration of abandoned real property, a neglected building or vacant parcel by a  
5 mortgagee shall be required to contain only the information set forth in section 48-  
6 148b(1), b(2), b(3) and b(4), and shall specifically include the name of the mortgagee, the  
7 direct mailing address of the mortgagee, the name and direct telephone number of  
8 mortgagee's designated contact person as required by NEB. REV. STAT. § 25-2142, a  
9 facsimile number and e-mail address. In addition, the registration shall include the same  
10 contact information for any property manager or other party responsible for the security  
11 and maintenance of the property. Any mortgagee that has registered a property under this  
12 article must report any change of information contained in the registration within ten (10)  
13 days of the change.

14  
15 (i) A copy of the registration required under this section shall be posted by the responsible  
16 party upon the property in a prominent and conspicuous location in a weatherproof  
17 enclosure accessible to personnel of the city. In the event the registration posted by the  
18 responsible party is removed, the responsible party shall repost a copy of the registration  
19 immediately upon becoming aware the required posted registration was removed.

20  
21 (j) Registration of a vacant parcel as required herein shall be required to contain only the  
22 information set forth section 48-148 b(1), b(2), b(3) and b(4).

23  
24 **Sec. 48-149. Registration fee.**

25  
26 A registration fee of \$500.00 per abandoned real property or neglected building shall be  
27 collected from the responsible party, at the time of registration, by the Permits and Inspection  
28 Division. In the event the City registers or re-registers abandoned real property or a neglected  
29 building, the registration fee shall be paid by the City and shall be a cost for which the  
30 responsible party is liable and shall become a lien on the premises. Accrual of reimbursable  
31 registration fees shall be separate from and in addition to any civil penalties permitted in this  
32 chapter. Once registered, a new fee of \$500.00 shall be due and payable for each additional 90-  
33 day period thereafter, or portion thereof, as though registered for the first time, until the building  
34 is removed from the list or such fee is reduced or waived by the Building Official, as provided  
35 for herein. Fees for the initial 90-day period and each additional 90- day period shall become a  
36 lien on the premises, as well as a liability of the responsible party.

37  
38 A registration fee shall not be required for the registration of a vacant parcel.

39  
40 **Sec. 48-150. Inspection obligations of mortgagee.**

41  
42 (a) Any mortgagee, as defined in this division, shall perform an inspection of the property  
43 that is the subject of the mortgage or deed of trust within ten (10) days of the date of



1 delivery to the mortgage of any applicable deed in lieu of foreclosure, entry of a decree in  
2 foreclosure in favor of the mortgagee, or trustee, sheriffs' or other foreclosure sale in  
3 which the mortgagee was successful or highest bidder.

4  
5 1) If a property is found to be vacant and shows evidence of vacancy, as defined in  
6 this article, it shall be deemed abandoned and the mortgagee shall comply with  
7 the registration requirements of section 48-148(h), within thirty (30) days of the  
8 inspection.

9  
10 2) If the property is occupied, it shall be inspected by the mortgagee or the  
11 mortgagee's designee every four (4) weeks beginning with the date of the original  
12 inspection required hereunder until either: (1) the mortgagor or other party  
13 transfers and records with the Douglas County Register of Deeds record title  
14 ownership to a third party; or (2) it is found to be vacant and shows evidence of  
15 vacancy requiring registration under this division pursuant to section 48-148(h).

16  
17 (b) Any mortgagee who holds a mortgage on real property, which is subject to a deed in lieu  
18 of foreclosure in favor of the mortgagee, a decree in foreclosure in favor of the mortgagee  
19 or in which the mortgagee was the highest or successful bidder at a sheriff's or trustee's  
20 sale as of December 1, 2015, shall perform an inspection of the property by February 1,  
21 2016. If the property is found to be vacant and shows evidence of vacancy, it shall be  
22 deemed abandoned and the mortgagee shall register the property in accordance with  
23 section 48-148(h), within thirty (30) days of the inspection.

24  
25 **Sec. 48-151. Maintenance requirements.**

26  
27 The responsible party shall have the following obligations with respect to maintaining  
28 real property or structures that are subject to this division:

29  
30 (a) Properties shall be kept free of weeds (as defined in section 18-22(a)), overgrown brush,  
31 dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers,  
32 circulars, flyers, notices (except those required by federal, state, or local law), discarded  
33 personal items located exterior to or outside the structure, including, but not limited to,  
34 furniture, clothing, appliances, or any other items that give the appearance that the  
35 property is abandoned. Personal items may be left or stored inside the structure; provided  
36 the structure is secure and the items are not stored in any manner that may cause  
37 deterioration or violates the code.

38  
39 (b) The property shall be maintained free of graffiti or similar markings by removal or  
40 painting over with an exterior grade paint that matches the color of the exterior structure.

41  
42 (c) Front, side and rear yard landscaping shall be maintained.

- 1 (d) Items considered to be "landscaping" shall include, but not be limited to, grass, ground  
2 covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial  
3 turf.  
4
- 5 (e) Maintenance required by this section shall include, but not be limited to, activities such as  
6 the following: watering, cutting and mowing of landscaping, removal of yard waste and  
7 debris, exterior painting, glass replacement, repairs to a building or other structure, or  
8 other acts reasonably necessary to maintain acceptable cosmetic appearance of the  
9 property, including any building or structure on the property, and to maintain the  
10 structural integrity of any building or structure on the property, and to comply with  
11 applicable provisions of the code and other local, state or federal law, rule or regulation.  
12
- 13 (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and  
14 debris. Pools and spas shall comply with the enclosure requirements of the Douglas  
15 County Health Department and the International Property Maintenance Code, as may be  
16 amended from time to time.  
17

18 **Sec. 48-152. Security requirements.**  
19

- 20 (a) The responsible party shall secure properties subject to this article so they are not  
21 accessible to unauthorized persons.  
22
- 23 (b) "Secure", as used in subsection (a) above, means the closing and locking of windows,  
24 doors, gates and other openings of such size that may allow access to enclosed areas of  
25 the property or to buildings and structures on the property. Walls and fences surrounding  
26 the property or any portion of the property shall be maintained in good repair. Broken  
27 windows shall be secured by reglazing; boarding of broken windows shall be used only  
28 as a temporary corrective measure and shall be secured in accordance with chapter 48 of  
29 this code and the International Property Maintenance Code. Once a structure is occupied,  
30 all boarded openings must be repaired with glazing or new windows and doors.  
31

32 **Sec. 48-153. Additional authority as to maintenance and security.**  
33

34 The Superintendent of the Permits and Inspection Division or their designee, shall have  
35 authority to require the owner, mortgagee and other responsible parties to implement additional  
36 exterior maintenance and security measures as may be reasonably required to prevent further  
37 decline of the property.  
38

39 **Sec. 48-154. Property managers.**  
40

- 41 (a) The responsible party may elect to use a property manager for purposes of complying  
42 with the requirements of this article, and any other laws applicable to the property, but  
43 such election shall not relieve the responsible party from liability for compliance with

1 this article. If a property manager is being used for purposes of complying with this  
2 article, the name, address, telephone number and other pertinent contact information  
3 identifying the property manager shall be included in the registration of the property  
4 required under this article.

5  
6 (b) A property manager accepting appointment as the agent of the responsible party shall  
7 inspect the property not less than every two weeks to ensure that the property is in  
8 compliance with this article.

9  
10 (c) If inspection reveals noncompliance, the property manager shall immediately give written  
11 notice of the noncompliance to the responsible party, who shall have ten (10) business  
12 days to begin the action necessary to bring the property into compliance, and not more  
13 than thirty (30) days to complete such action. The Building Official or their designee may  
14 extend the compliance time period upon showing unreasonableness of the time frame for  
15 the existing conditions.

16  
17 **Sec. 48-155. Exemptions.**

18  
19 (a) Property shall be exempt from the registration requirement of this article if either of the  
20 following two (2) conditions exists:

- 21  
22 1) a. The property is not the subject of an active or ongoing action in  
23 foreclosure; and  
24 b. is listed in the applicable multiple listing service or other evidence of  
25 active marketing of the property for sale is provided by the responsible  
26 party for verification and approval by the Building Official, and the  
27 outward appearance is being maintained; or  
28  
29 2) The property is under construction and the contractor has applied for and is  
30 covered by a valid building permit.

31  
32 (b) At such time either qualification for exemption ceases to exist, the property shall be  
33 subject to the registration requirements of this division.

34  
35 (c) The Omaha Municipal Land Bank or non-profit organization with the designated purpose  
36 of rehabilitation or restoration of abandoned and vacant properties shall be exempt from  
37 the requirements for registration and all associated fees under this division for a period of  
38 one year after the receipt or acquisition of any abandoned real property, neglected  
39 building or vacant parcel. At such time as the Omaha Municipal Land Bank or non-profit  
40 organization ceases to be exempt under this section, the entity shall be required to comply  
41 with this division in the same manner as any other responsible party.  
42  
43

1 **Sec. 48-156. Registration Penalty; Lien on Property; Assessment Process.**

- 2
- 3 (a) In addition to reimbursing the city for all registration fees paid by the city, any  
4 responsible party who fails to timely register abandoned real property or a neglected  
5 building, as required by this chapter, shall be liable for a civil penalty of \$500.00.  
6
- 7 (b) Each civil penalty herein shall automatically renew for an additional 90 days, unless the  
8 abandoned real property or neglected building is properly registered and the current and  
9 any outstanding fee(s) is paid, as required by this division, or is removed from the  
10 registration list as set forth in this division.  
11
- 12 (c) If a building continues to meet the definition of abandoned real property or a neglected  
13 building for a period of more than 90 calendar days after notice is given, or has been  
14 registered, and the owner fails or refuses to register or re-register the abandoned real  
15 property or neglected building after the initial registration expires, or if the city has not  
16 been reimbursed for any portion of registration fees paid by the city, or an assessed civil  
17 penalty is not paid, the Building Official shall continue to assess a penalty of \$500.00 for  
18 each 90- calendar-day period, or portion thereof, the abandoned real property or  
19 neglected building continues to be unregistered or the registration fees or civil penalties  
20 are not paid. At no time shall the amount of unreimbursed registration fees, civil  
21 penalties, and assessments exceed \$4,000.00 per property or structure in a calendar year,  
22 but shall be cumulative in following years. The Building Official, upon approval by the  
23 Property Maintenance Appeals Board, may reduce, waive, or stay the imposition of a  
24 civil penalty herein for good cause shown by the responsible party in efforts to comply  
25 with this section or an approved plan.  
26
- 27 (d) All registration fee reimbursements and civil penalties assessed shall be payable directly  
28 to Permits and Inspection Division.  
29
- 30 (e) The responsible party for the property at the time any notice given pursuant to section 48-  
31 148(a) is issued shall be personally liable for all unreimbursed registration fees and  
32 unpaid civil penalties. Any unreimbursed fees and penalties shall also be a lien on any  
33 real property upon which the abandoned real property or neglected building is wholly or  
34 partially located, from the date of assessment of fees and civil penalties. Interest as  
35 allowed by applicable Nebraska law shall also accrue. In the event any responsible party  
36 fails to pay the fee or penalty required herein, the city may assess such penalty upon the  
37 property in the same manner as special assessments, or the city may sue any such person  
38 or persons in any court of competent jurisdiction for the amount of the fee or penalty due  
39 and payable under the terms and provisions of this division, and may recover a judgment  
40 against such person or persons for the amount so due, together with interest.  
41
- 42 (f) The Building Official shall develop policies and procedures for the implementation of  
43 this penalty.

1 (g) The Building Official shall keep an itemized account through the use of the appropriate  
2 system or software employed by the Permits and Inspections Division of the expenses  
3 incurred by the city pursuant to this section. For assessment of unpaid fees and civil  
4 penalties hereunder, the Building Official shall prepare and file with the City Clerk a  
5 report specifying the actions taken, the itemized and total cost of the actions, a  
6 description of the real property upon which the building or structure is or was located,  
7 and the names and addresses of the owners of the property.  
8

9 (h) Upon receipt of said report, the City Clerk shall present it to the City Council for  
10 consideration. The City Council shall fix a time, date, and place for hearing said report  
11 and any protests or objections thereto. The City Clerk shall cause notice of said hearing to  
12 be posted upon the property involved, published once in a newspaper of general  
13 circulation in the City, and served by regular first class U.S. mail, postage prepaid,  
14 addressed to the owner of said property as the owner's name and address appears on the  
15 last equalized assessment roll of the county, if such so appears, or as known to the clerk.  
16 Deposit of the notice with the United States Postal Service shall be deemed good service.  
17 Such notice shall be given at least ten days prior to the date set for the hearing and shall  
18 specify the day, hour, and place the City Council will hear and pass upon the Building  
19 Official's report, together with any objection or protests which may be made thereto, and  
20 assess such property with such cost. Such assessment shall be a lien upon such property  
21 from the date of assessment, shall become delinquent thirty days after the date of  
22 assessment, and shall draw interest from said date until paid at the same rate as provided  
23 by law for delinquent general real estate taxes. Foreclosure on a lien shall be pursuant to  
24 Nebraska law.  
25

26 **Sec. 48-157. Reinspection.**  
27

28 The Building Official or designated representatives may periodically reinspect abandoned  
29 real property or neglected buildings to ensure compliance with this chapter and all applicable  
30 court or administrative orders.  
31

32 **Sec. 48-158. Removal from Registration List.**  
33

34 (a) Abandoned real property or a neglected building shall be removed from the registration  
35 list and exempted from the requirements of this division by the Building Official upon  
36 such abandoned real property or neglected building meeting one or more of the  
37 following:  
38

- 39 1) Achieving compliance with all health and safety standards set forth in Chapter 48  
40 of the code and all registration fees and penalties have been paid in full.
- 41 2) Removal or demolition contracted and paid for by the responsible party.
- 42 3) Removal or demolition by the City of Omaha.  
43

1           4) Discharge of assessed registration fees and penalties and/or liens upon the  
2 property through a foreclosure or other legal process.

3  
4 (b) Removal from the registration list shall not result in the reduction, waiver, discharge,  
5 release, or other modifications to fees and penalties assessed to the responsible party and  
6 placed as a lien upon the real property, except as may be ordered by a court of law with  
7 competent jurisdiction or as may be modified by the Building Official, upon approval by  
8 the Property Maintenance Appeals Board.

9  
10 (c) Upon compliance with the requirements of this chapter and in the event a Notice of  
11 Registration Penalty has been recorded with the Register of Deeds for Douglas County,  
12 Nebraska, the Building Official, within thirty (30) days of the building becoming  
13 compliant with the code, shall record a Notice of Compliance with the Register of Deeds  
14 stating that, as of the date of the Notice of Compliance, the property complies with the  
15 code.

16  
17 (d) The Building Official may remove abandoned real property or a neglected building from  
18 the list or exempt abandoned real property or neglected building from the requirements of  
19 this division in the event the Building Official determines that the interests of the city and  
20 the purpose of this ordinance are best served by removal or exemption. Such a finding or  
21 determination shall be in writing and approved by the City Law Department before  
22 becoming effective. All such findings or determinations shall be recorded with the City  
23 Clerk.

24  
25 **Sec. 48-159. Registration Non-Transferable.**

26  
27 If the abandoned real property, neglected building or vacant parcel is required to be  
28 registered pursuant to this division, a new registration shall be required for each change of  
29 ownership of the building. The seller of abandoned real property, a neglected building or a  
30 vacant parcel, which is registered with Permits and Inspection Division pursuant to this chapter,  
31 shall notify Permits and Inspection Division within ten business days after the sale or other  
32 transfer or conveyance of any registered property. The Building Official may waive the  
33 requirement of a registration following a conveyance if there is sufficient evidence or reason to  
34 believe that action will be taken shortly after the sale to bring the building back into compliance  
35 with the code or remove or demolish the neglected building.

36  
37 **Sec. 48-160. Failure to reimburse registration or pay civil penalties.**

38  
39 In the event that any owner or mortgagee fails to reimburse the City for registration fees  
40 or pay civil penalties assessed herein, the City Law Department is authorized to seek the  
41 recovery of all such registration fees and civil penalties by any means allowed by law.  
42  
43

1 **Sec. 48-161. Criminal Violations; Penalties.**

2  
3 Any responsible party upon whom a duty is placed by the provisions of this division who  
4 shall fail, neglect, or refuse to perform such duty, or who shall violate a provision of this title  
5 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum  
6 not to exceed \$500.00 or be imprisoned in the county jail for a period not to exceed six months,  
7 or both, except that each person so convicted shall be fined in a sum of not less than \$200.00 for  
8 the first offense, not less than \$300.00 for a second offense, and not less than \$400.00 for the  
9 third offense and each offense thereafter. The penalty herein provided shall be cumulative with  
10 and in addition to the revocation, cancellation, or forfeiture of any license, permit, or right  
11 elsewhere provided for or as provided by law. Each day that a violation of this title continues  
12 shall constitute a separate and distinct offense and shall be punishable as such.

13  
14 **Sec. 48-162. Right of Appeal.**

15  
16 The responsible party has the right to appeal the decisions of or implementation of this  
17 division by the Building Official pursuant to this article to the Property Maintenance Appeals  
18 Board as outlined in Sections 48-101 through 48-105.

19  
20 Section 2. That this Ordinance shall be in full force and take effect 15 days from and  
21 after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Ben S. Gray

APPROVED BY:

Jim Stothard 11/19/15  
MAYOR OF THE CITY OF OMAHA DATE

PASSED NOV 17 2015 as amended 7-0

ATTEST:

Buster Brown 11/19/15  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

[Signature] 11/17/15  
Ass't. CITY ATTORNEY DATE