ORDINANCE NO. 40565

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

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

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

DIVISION 15. ABANDONED AND VACANT PROPERTY ORDINANCE

Sec. 48.141. Title.

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

Sec. 48-142. Purpose.

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

The establishment and enforcement of an vacant and abandoned property registration program to monitor such properties and buildings, to ensure they are free of code violations and fees and fines prior to sale or occupation, to set forth guidelines for the maintenance and security of abandoned properties and develop a means to decrease the number of neglected buildings is necessary to adequately protect the public health, safety and welfare of the citizens of Omaha.
Sec. 48-143. Public Nuisance.

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

Sec. 48-144. Violation not exclusive.

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

Sec. 48-145. Inspection of property; enforcement.

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

Sec. 48-146. Definitions.

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

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

1) is a property that is the subject of a notice of sale by a lender or mortgagee pursuant to either a mortgage or deed of trust; or

2) is a property that is the subject of a tax lien certificate; or

3) is a property that is the subject of an active or ongoing action in foreclosure; or

4) is a property that has been the subject of a sheriff's or trustee's sale in foreclosure, in which the highest or successful bidder was the beneficiary of a mortgage or deed of trust involved in the foreclosure; or

5) is a property that is the subject of a deed in lieu of foreclosure in favor of the beneficiary of a mortgage or deed of trust.

(b) Accessible property shall mean a property that is physically accessible through a compromised or breached gate, fence, wall or other barrier intended to provide physical security to the property, or by the absence of such barrier.
(c) **Accessible structure** shall mean a structure or building that is unsecured, compromised or breached in such a way as to allow access to the interior space by unauthorized persons.

(d) **Boarded up** shall mean that some or all of the structure's doors or windows have been covered with plywood, wood, or metal sheeting, paneling, or other similar materials, for the purpose of preventing entry into the structure by persons, animals, or the elements of weather.

(e) **Building Official** shall mean the Superintendent of the Permits and Inspection Division or their designee(s).

(f) **Deterioration** shall mean to weaken, disintegrate, corrode, rust or decay, and lose effectiveness that may result in the lowering in quality of the condition or appearance of a building, structure or parts thereof, which is characterized by holes, breaks, rot, crumbling, peeling, rusting, or any other evidence of physical decay, neglect or lack of maintenance.

(g) **Evidence of vacancy** shall mean any condition or circumstance that on its own, or combined with other conditions or circumstances present, would lead a reasonable person to believe that a property is vacant. Such conditions may include, but not are limited to:

1) overgrown or dead vegetation, including lawns, shrubbery and other plantings;
2) accumulation of abandoned personal property, trash or waste;
3) visible deterioration or lack of maintenance of any building or structure on the property;
4) graffiti on or other defacement of any building or structures on the property; or
5) any other condition or circumstance reasonably indicating that the property is not occupied.

(h) **Foreclosure** shall mean the process, either judicial or non-judicial, invoked by the owner or holder of a mortgage or deed of trust, by which a property placed as security for a real estate loan is sold at public or private sale to satisfy the debt of the borrower in the event of a default by the borrower under the terms of the promissory note, mortgage or deed of trust.

(i) **Mortgagee** shall mean the person or entity that is the owner or holder of a mortgage, deed of trust or similar instrument encumbering real property as security for a promissory note or other debt.

(j) **Neglected building** shall mean any structure that is vacant and exhibits evidence of vacancy and wherein one or more of the following events have occurred:
Within the last six months, the property is the subject of two or more notices of violation of the provisions of chapter 48 of this code;

2) The structure is repeatedly unsecured for 30 days or more;

3) The structure has sustained significant fire, wind, or water damage, is uninhabitable and no visible signs of consistent efforts to repair, rehabilitate, demolish, or remove the structure are evident within ninety (90) days after the occurrence resulting in the damage described herein;

4) The structure has been declared a nuisance pursuant to Neb. Rev. Stat. 518-1722;

5) The structure has been boarded up for a period of more than ninety (90) days;

6) The structure has been declared and placarded by the Permits and Inspection Division as an unsafe structure pursuant to this code for more than two years;

7) The structure has sustained substantial deterioration due to lack of maintenance and the owner has failed to comply with a previous notice to correct a violation of this code;

8) The owner has failed to appear and a warrant has been issued in the County Court of Douglas County, Nebraska for a violation of chapter 48 of this code regarding an unoccupied building or structure with violations; and

9) The owner has refused to accept service of notices of violations of chapter 48 of this code, when proper service has been attempted.

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

Owner shall mean any person or entity who is a holder of any legal or equitable interest in the property, and either alone or jointly or severally with others:

1) Has record legal title to the property or any structure, regardless of any actual possession thereof; or

2) Has charge, care or control of the property or any structure, pursuant to any legal or equitable interest or as personal representative, trustee, or guardian of the estate of the owner.

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

Property manager shall mean a property manager, property management or maintenance company, or similar person or entity responsible for the maintenance of real property as agent of an owner or other responsible party.

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

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

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

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

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

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

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

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

**Sec. 48-148. Registration of abandoned real properties, neglected buildings or vacant parcels.**
a) The responsible party for abandoned real property, a neglected building or vacant parcel shall be required, after written notification from the Permits and Inspection Division, to register such abandoned real property, neglected building or vacant parcel with the Permits and Inspection Division within thirty days of the date of the notice from the Permits and Inspection Division. In the event the responsible party undertakes and completes the necessary maintenance and security measures such that the property no longer requires registration under this division within thirty days of the date of the notice from the Permits and Inspections Division, notifies the Building Official of the actions taken pursuant to this section and the Building Official verifies the property no longer meets the requirements for registration, then registration will not be required. Written notification required herein and sent pursuant to section 48-63 shall be deemed good service. If the responsible party resides outside the City of Omaha, such notice shall be sent by regular first class U. S. mail to the last known address of the responsible party and shall be deemed good service upon deposit with the United States Postal Service. Service on a Property Manager shall be deemed good service on the responsible party.

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

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

a. The information supplied by the responsible party is incomplete, false, fictitious, or inaccurate.

b. The timetable for bringing the structure into compliance is unreasonably long.

c. The plan for repairs and bringing the structures(s) into compliance does not address or correct the violations or deficiencies identified by the Permits and Inspection Division.

d. More than two years have passed since the first notification to register abandoned real property, a neglected building or vacant parcel has been served or delivered to the owner or property manager.

e. In the event a registration is denied, the Building Official shall refer the matter to the City Attorney for consideration of further action. The City Attorney may take any reasonable action necessary to enforce this chapter.

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

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

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

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

(g) Each registration shall expire at the end of ninety (90) days, unless removed from the registration list, as provided for in this division. If the structure has not been removed
from the registration list at the expiration of a registration period provided for herein, the responsible party or City shall re-register the building pursuant to this section.

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

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

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

Sec. 48-149. Registration fee.

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

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

Sec. 48-150. Inspection obligations of mortgagee.

(a) Any mortgagee, as defined in this division, shall perform an inspection of the property that is the subject of the mortgage or deed of trust within ten (10) days of the date of
delivery to the mortgage of any applicable deed in lieu of foreclosure, entry of a decree in 
foreclosure in favor of the mortgagee, or trustee, sheriff’s or other foreclosure sale in 
which the mortgagee was successful or highest bidder.

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

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

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

Sec. 48-151. Maintenance requirements.

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

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

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

(c) Front, side and rear yard landscaping shall be maintained.
(d) Items considered to be "landscaping" shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf.

(e) Maintenance required by this section shall include, but not be limited to, activities such as the following: watering, cutting and mowing of landscaping, removal of yard waste and debris, exterior painting, glass replacement, repairs to a building or other structure, or other acts reasonably necessary to maintain acceptable cosmetic appearance of the property, including any building or structure on the property, and to maintain the structural integrity of any building or structure on the property, and to comply with applicable provisions of the code and other local, state or federal law, rule or regulation.

(f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the Douglas County Health Department and the International Property Maintenance Code, as may be amended from time to time.

Sec. 48-152. Security requirements.

(a) The responsible party shall secure properties subject to this article so they are not accessible to unauthorized persons.

(b) "Secure", as used in subsection (a) above, means the closing and locking of windows, doors, gates and other openings of such size that may allow access to enclosed areas of the property or to buildings and structures on the property. Walls and fences surrounding the property or any portion of the property shall be maintained in good repair. Broken windows shall be secured by reglazing; boarding of broken windows shall be used only as a temporary corrective measure and shall be secured in accordance with chapter 48 of this code and the International Property Maintenance Code. Once a structure is occupied, all boarded openings must be repaired with glazing or new windows and doors.

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

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

Sec. 48-154. Property managers.

(a) The responsible party may elect to use a property manager for purposes of complying with the requirements of this article, and any other laws applicable to the property, but such election shall not relieve the responsible party from liability for compliance with
this article. If a property manager is being used for purposes of complying with this article, the name, address, telephone number and other pertinent contact information identifying the property manager shall be included in the registration of the property required under this article.

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

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

Sec. 48-155. Exemptions.

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

1) a. The property is not the subject of an active or ongoing action in foreclosure; and
   b. is listed in the applicable multiple listing service or other evidence of active marketing of the property for sale is provided by the responsible party for verification and approval by the Building Official, and the outward appearance is being maintained; or

2) The property is under construction and the contractor has applied for and is covered by a valid building permit.

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

(c) The Omaha Municipal Land Bank or non-profit organization with the designated purpose of rehabilitation or restoration of abandoned and vacant properties shall be exempt from the requirements for registration and all associated fees under this division for a period of one year after the receipt or acquisition of any abandoned real property, neglected building or vacant parcel. At such time as the Omaha Municipal Land Bank or non-profit organization ceases to be exempt under this section, the entity shall be required to comply with this division in the same manner as any other responsible party.
Sec. 48-156. Registration Penalty; Lien on Property; Assessment Process.

(a) In addition to reimbursing the city for all registration fees paid by the city, any responsible party who fails to timely register abandoned real property or a neglected building, as required by this chapter, shall be liable for a civil penalty of $500.00.

(b) Each civil penalty herein shall automatically renew for an additional 90 days, unless the abandoned real property or neglected building is properly registered and the current and any outstanding fee(s) is paid, as required by this division, or is removed from the registration list as set forth in this division.

(c) If a building continues to meet the definition of abandoned real property or a neglected building for a period of more than 90 calendar days after notice is given, or has been registered, and the owner fails or refuses to register or re-register the abandoned real property or neglected building after the initial registration expires, or if the city has not been reimbursed for any portion of registration fees paid by the city, or an assessed civil penalty is not paid, the Building Official shall continue to assess a penalty of $500.00 for each 90-calendar-day period, or portion thereof, the abandoned real property or neglected building continues to be unregistered or the registration fees or civil penalties are not paid. At no time shall the amount of unreimbursed registration fees, civil penalties, and assessments exceed $4,000.00 per property or structure in a calendar year, but shall be cumulative in following years. The Building Official, upon approval by the Property Maintenance Appeals Board, may reduce, waive, or stay the imposition of a civil penalty herein for good cause shown by the responsible party in efforts to comply with this section or an approved plan.

(d) All registration fee reimbursements and civil penalties assessed shall be payable directly to Permits and Inspection Division.

(e) The responsible party for the property at the time any notice given pursuant to section 48-148(a) is issued shall be personally liable for all unreimbursed registration fees and unpaid civil penalties. Any unreimbursed fees and penalties shall also be a lien on any real property upon which the abandoned real property or neglected building is wholly or partially located, from the date of assessment of fees and civil penalties. Interest as allowed by applicable Nebraska law shall also accrue. In the event any responsible party fails to pay the fee or penalty required herein, the city may assess such penalty upon the property in the same manner as special assessments, or the city may sue any such person or persons in any court of competent jurisdiction for the amount of the fee or penalty due and payable under the terms and provisions of this division, and may recover a judgment against such person or persons for the amount so due, together with interest.

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

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

Sec. 48-157. Reinspection.

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

Sec. 48-158. Removal from Registration List.

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

1) Achieving compliance with all health and safety standards set forth in Chapter 48
of the code and all registration fees and penalties have been paid in full.

2) Removal or demolition contracted and paid for by the responsible party.

3) Removal or demolition by the City of Omaha.
4) Discharge of assessed registration fees and penalties and/or liens upon the property through a foreclosure or other legal process.

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

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

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

Sec. 48-159. Registration Non-Transferable.

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

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

In the event that any owner or mortgagee fails to reimburse the City for registration fees or pay civil penalties assessed herein, the City Law Department is authorized to seek the recovery of all such registration fees and civil penalties by any means allowed by law.
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Sec. 48-161. Criminal Violations; Penalties.

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

Sec. 48-162. Right of Appeal.

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

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

INTRODUCED BY COUNCILMEMBER

APPROVED BY:

MAYOR OF THE CITY OF OMAHA DATE

PASSED NOV 17 2015 as amended 1-0

ATTEST:

CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

CITY ATTORNEY DATE