ORDINANCE NO. 2022-7

AN ORDINANCE OF THE VILLAGE OF CLEARWATER, NEBRASKA TO ADOPT A VACANT PROPERTY REGISTRATION ORDINANCE; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF CLEARWATER, NEBRASKA:

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 Village to maintain an accurate registration of all vacant buildings and properties.

SECTION 2. Definitions.

For purposes of this Ordinance:

A. Evidence of vacancy means any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential building or commercial building is vacant. Such conditions or circumstances may include, but are not limited to:

   i. Overgrown or dead vegetation, including grass, shrubbery, and other plantings;

   ii. An accumulation of abandoned personal property, trash, or other waste;

   iii. Visible deterioration or lack of maintenance of any building or structure on the property;

   iv. Graffiti or other defacement of any building or structure on the property; or

   v. Any other condition or circumstance reasonably indicating that the property is not lawfully occupied for residential purposes or being used for the operation of a lawful business.

B. Owner means the person or persons shown to be the owner or owners of record on the records of the register of deeds;

C. Vacant means that a building exhibits evidence of vacancy.

D. Village means the Village of Clearwater.

SECTION 3. Vacant Building Registration.

A. The Village shall create a vacant property registration database, and the Village Clerk is designated as program administrator. The program administrator may utilize additional Village employees as may be necessary to administer the program.

B. The owner of a vacant building shall register the building with the Village Clerk if the property has been vacant for one hundred eighty (180) days or longer. A vacant property registration form shall be in either paper or electronic form, and the following information shall be required:

   i. The name, street address, mailing address, telephone number, and, if applicable, the facsimile number and email address of the property owner and his or her agent;

   ii. The street address and parcel identification number of the vacant property;

   iii. The transfer date of the instrument conveying the property to the owner;

   iv. The date on which the property became vacant; and

   v. A plan for occupancy of the property.

C. The owner shall notify the city of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. Removal of the property from the vacant property registration database shall occur when the property is no longer vacant.

SECTION 4. Vacant Building Fees.

A. The vacant property registration fee shall be one thousand dollars ($1,000.00) due and payable one hundred eighty (180) days after initial registration of the vacant property pursuant to this section or three hundred sixty (360) days after the property becomes vacant, whichever is sooner.

B. Supplemental registration fees at intervals every six (6) months thereafter shall be due for as long as the property remains on the vacant property registration database. The supplemental registration fees shall be not more than double the previous fee amount, with a maximum supplemental registration fee of ten (10) times the initial registration fee amount. Subject to these limitations, the supplemental registration fees may be adopted by resolution of the Board of Trustees.

C. A subsequent owner or owners of property subject to this Ordinance will assume the obligations of the previous owner or owners.

D. Registration fees are refundable to the payor for the year preceding the date on which the property is no longer vacant.

SECTION 5. Exemptions.

The following vacant properties shall be exempt from registration and fee requirements:

A. A vacant property that is advertised in good faith for sale or lease shall be exempt from registration and fee requirements. Any building advertised for sale at a price not exceeding one hundred twenty-five (125) percent of the assessed valuation as documented by the Antelope County Assessor's Office shall be deemed to be advertised in good faith for sale. Any building advertised for lease at an amount of rent comparable to other comparable buildings shall be deemed to be advertised in good faith for lease. The burden of proving this exemption shall be on the owner and the standard of proof shall be by clear and convincing evidence.

B. A vacant property under construction or renovation pursuant to a validly issued building permit or plan of renovation submitted to and approved by the program administrator;

C. A vacant property which is subject to ongoing divorce, probate, or estate proceedings; and

D. A vacant property which is owned by the federal government, the State of Nebraska, or any political subdivision thereof.

SECTION 6. Inspections.

The Village Clerk or his or her designee may inspect the interior and exterior of the vacant property upon registration and at one-year intervals thereafter for so long as the property remains on the vacant property registration database. A report will be provided to the Owner noting code deficiencies, if any. The Owner will be required to make necessary repairs based upon a reasonable timetable to allow the property to become occupied. Follow-up inspections will be made by the Village Clerk or his or her designee to ensure that repairs have been timely completed.

SECTION 7. Penalties.

Any person violating any provision of this Ordinance or providing false information to the Village shall be fined for failure to comply in an amount of five hundred dollars ($500.00), with each day of violation being a separate offense. The Village may enforce the collection of vacant property registration fees and/or fines by civil action in any court of competent jurisdiction. Unpaid vacant property registration fees and unpaid fines for any violation of this Ordinance shall become a lien on the applicable property upon the recording of a notice of such lien in the Antelope County Register of Deeds Office. The lien created under this section shall be subordinate to all liens on the applicable property recorded prior to the time the notice of such lien under this section is recorded.

SECTION 8. Due Process.

Owners shall have the right to prior notice and to appeal adverse decisions of the Village or the program administrator. Such notice shall be sent by certified mail to the registered Owner at the

address maintained in the Antelope County Register of Deeds Office, the Antelope County Treasurer's Office, or the Antelope County Assessor's Office at least ten (10) days prior to such adverse decision.

SECTION 9. That Sections 1 through 8 of this Ordinance shall be codified as Municipal Code §§ 11-370 to 11-377.

SECTION 10. That all ordinances or parts of ordinances in conflict be and the same hereby are repealed.

SECTION 11. That three-fourths of the Board of Trustees voted to suspend the requirement that this ordinance be read by title on three different days.

SECTION 12. That this ordinance shall be effective from and after its passage, approval and publication as provided by law.

SECTION 13. That this ordinance shall be published in pamphlet form and available for public inspection during normal village office business hours.

PASSED AND APPROVED THIS 9 DAY OF May, 2022.

VILLAGE OF CLEARWATER, NEBRASKA

By: _____
Chairperson

ATTEST:

_____
Angie Hupp, Village Clerk

CERTIFICATION

I, Angie Hupp, clerk of the Village of Clearwater, Nebraska, hereby certify that the foregoing is a true and complete copy of Ordinance No. 2022-7 of said village, duly passed and approved according to the law on the 9 day of May, 2026. I certify that said ordinance was published in pamphlet form.

_____
Angie Hupp, Village Clerk

(S E A L)