ORDINANCE NO. 2026-04

AN ORDINANCE TO ADOPT VACANT PROPERTY REGISTRATION PROVISIONS, IN CHAPTER 177 OF THE MUNICIPAL CODE OF GRESHAM, NEBRASKA; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO ORDER PUBLICATION IN PAMPHLET FORM.

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

Section 1. That new Sections 177.50 to 177.60, inclusive, titled the Vacant Property Registration, in Chapter 177 of the Municipal Code of Gresham, Nebraska, be adopted to provide as follows:

VACANT PROPERTY REGISTRATION

§ 177.50 VACANT PROPERTY REGISTRATION; FINDINGS.

The Village of Gresham finds and declares that:

1. Vacant properties have the potential to create a host of problems for the Village, including a propensity to foster criminal activity, create public health problems, and otherwise diminish quality of life;

2. Vacant properties have the potential to reduce the value of area properties, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability;

3. Vacant properties represent unrealized economic growth in the Village;

4. A vacant property registration ordinance will allow the Village to discourage property vacancy, maintain unoccupied buildings, provide a data base of vacant properties and their owners, and assess fees for the increased public costs associated with vacant properties;

5. Fees imposed under a vacant property registration ordinance have the potential to benefit the owners of vacant properties by helping to finance additional government services to protect the value and security of such properties; and

6. Enactment of this vacant property registration ordinance is a proper exercise of the Village's authority to protect the public health, safety, and welfare of community residents and a valid regulatory scheme.

§ 177.51 SAME; PURPOSES.

The purposes of this Article are to promote the health, safety, and welfare of the Village of Gresham residents by providing authority for enacting

vacant property registration requirements. This Article will allow the Village of Gresham to identify and register vacant properties, collect fees to compensate for the public costs of vacant properties, plan for the rehabilitation of vacant properties, and encourage the occupancy of vacant properties.

§ 177.52 SAME; DEFINITIONS.

For purposes of this Vacant Property Registration Ordinance:

1. "Commercial Building" means any building or structure located on a property that is not a Residential Building;

2. "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:

   a. any unoccupied or empty building or structure on the property;

   b. lack of active utility service accounts;

   c. overgrown or dead vegetation, including grass, shrubbery, and other plantings;

   d. visible deterioration or lack of maintenance of any building or structure on the property;

   e. graffiti or other defacement of any building or structure on the property; or

   f. any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes nor being used for the operation of a lawful business;

3. "Owner" means the person or persons shown to be the owner or owners of record in the records of the County Register of Deeds;

4. "Program Administrator" means the individual(s) designated by resolution of the Village to administer and enforce this Vacant Property Registration Ordinance, or such individual's authorized designee.

5. "Residential Building" means a house, a condominium, a townhouse, an apartment unit or building, or a trailer house;

6. "Vacant" means that a Residential Building or Commercial Building exhibits evidence of vacancy.

§ 177.53 SAME; APPLICATIONS.

The Village hereby adopts this Article which applies to any type of either residential or commercial buildings, located within the corporate limits of the Village, except that this Article shall not apply to property owned by the federal government, the State of Nebraska, or any political subdivision thereof. This Article shall create a Village-wide vacant property registration data base which shall be administered by a Program Administrator appointed by the Village.

§ 177.54 SAME; REQUIREMENTS.

1. An Owner of vacant property subject to this Article shall be required to register such property with the Program Administrator, on forms provided by the Program Administrator, if the property has been vacant for one hundred eighty days or longer. If the Program Administrator is aware of a property that has been vacant for one hundred eighty days or longer, which has not been registered by the Owner, the Program Administrator shall notify the Owner of the Owner's obligation to register the property within fifteen days. If after fifteen days, the Owner has failed to register the vacant property, the Program Administrator is authorized to register the vacant property for the Owner by completing the registration form on behalf of the Owner.

2. A vacant property registration form shall be in either paper or electronic form, and the following information shall be required:

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

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

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

d. The date on which the property became vacant.

3. One hundred eighty days after initial registration of the vacant property pursuant to this section or three hundred sixty days after the property becomes vacant, whichever is sooner, the Owner shall be required to pay an initial registration fee. The Owner shall also be required to pay supplemental registration fees at intervals every six months thereafter for as long as the property remains on the vacant property registration data base.

a. The initial registration fees shall be as follows:

i. $250.00 for a residential property, and

ii. $500.00 for a commercial property.

b. The supplemental registration fees shall be as follows:

i. $500.00 for a residential property, and

ii. $1,000.00 for a commercial property.

§ 177.55 SAME; EXEMPTIONS

1. Vacant properties that are advertised in good faith for sale or lease shall be exempt from the requirements of this Article.

2. Vacant properties owned by government entities including the United States Federal Government, State of Nebraska, and any political subdivisions thereof shall be exempt from the requirements of this Article.

3. Vacant properties meeting the following conditions may be exempt from this Article:

a. only considered to be a seasonal residence;

b. property of an owner who is temporarily absent for more than one hundred eighty (180) consecutive days, but who has demonstrated an intent to return with a timetable in writing on file with the Program Administrator;

c. property that is scheduled for demolition and has a written timetable for demolition on file with the Program Administrator;

d. property under construction or renovation pursuant to a valid building permit issued by the Village;

e. property subject to divorce, probate, or estate proceedings;

f. property that has suffered significant fire, weather, and/or an act of God, or vandalism within the previous one hundred eighty (180) calendar days.

4. All requests for exemption under this Section shall be submitted in writing to the Program Administrator and shall include sufficient information and documentation to demonstrate eligibility for the requested exemption. The Program Administrator may approve exemptions for vacancies lasting less than one calendar year upon review of the written application and supporting documentation. Exemptions for vacancies lasting one calendar year, or more, may be granted only upon the affirmative vote of three-quarters (3/4) of the Village Board of Trustees. Any such exemption

shall be granted for a period not to exceed one calendar year at a time, and may be renewed upon subsequent application and approval in accordance with this Section.

5. For purposes of this Section, the following definitions shall apply:

a. "Advertised in good faith" means the property is actively marketed for sale or lease through customary commercial means, including but not limited to listing with a licensed real estate broker, online listing services, signage on the property, or other reasonable marketing efforts, and is offered at a price not exceeding one hundred twenty-five percent (125%) of the current assessed value as determined by the York County Assessor.

b. "Seasonal residence" means a dwelling unit that is designated and actually used for occupancy during a defined, recurring season of the year (such as summer, winter, or a specific recreational or agricultural season), where such occupancy is predictable, recurring, and tied to that season on an annual basis. A property shall not be considered a seasonal residence if:

i. occupancy is sporadic, occasional, or irregular, including intermittent weekend or holiday use that is not part of a consistent seasonal pattern;

ii. the property is otherwise vacant for extended or indefinite periods and only used for convenience, travel, or infrequent personal stays; or

iii. the property is not reasonably identifiable as a seasonal-use dwelling based on historical, utility, or occupancy patterns.

§ 177.56 SAME; ADDITIONAL REQUIREMENTS; PROGRAM ADMINISTRATOR POWERS

1. A subsequent Owner of any property subject to the ordinance will assume the obligations of the previous Owner.

2. Property shall be removed from the vacant property registration database only when the property is no longer vacant.

3. The Owner of registered property shall submit a plan for occupancy of the property.

4. The Program Administrator, 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 data base.

§ 177.57 SAME; ADVERSE DECISIONS; RIGHT TO APPEAL

1. An Owner has the right to prior notice of any adverse decision and the right to request review and appeal as provided herein. Notice of adverse decisions shall be provided in writing. Such notice shall be mailed at least ten (10) days prior to the effective date of the adverse decision.

2. An Owner may request review or appeal of an adverse decision by submitting a written request to the Program Administrator. The written request must be received or postmarked no later than fourteen (14) days after the date the notice of adverse decision is mailed. The written request shall include:

a. the Owner's name and property address;

b. a copy of the notice of adverse decision (if available);

c. a statement explaining the basis for the appeal and the relief requested; and

d. any supporting documentation the Owner wishes to be considered.

Failure to submit a timely written request for review or appeal shall constitute a waiver of the Owner's right to appeal, and the adverse decision shall become final.

3. For purposes of this Section, an "adverse decision" means any written determination, notice, or action taken by the Program Administrator pursuant to this Article that imposes, confirms, or enforces an Owner's obligations outlined herein; or denies, limits, or revokes any benefit or exemption available herein. "Adverse decision shall include, but is not specifically limited to:

a. a determination that a property is subject to registration, including a notice requiring registration;

b. the automatic registration of a property by the Program Administrator due to the Owner's failure to timely register voluntarily;

c. the assessment or imposition of registration fees, including the initial registration fee and any supplemental, renewal, or additional fees assessed at six-month intervals;

d. the filing of a lien for unpaid fees, penalties, or other charges;

e. any decision granting or denying a request for exemption, waiver, reduction, or modification of registration requirements or fees; and

f. any decision issued following an appeal or request for review, including affirmance, modification, or reversal of a prior determination.

"Adverse decision" shall not include the commencement of any judicial enforcement proceeding by the Village, as such proceedings are governed by separate legal notice and procedural requirements under applicable law.

§ 177.58 SAME; NOTICE

1. Unless otherwise expressly provided herein, any notice required in this Article shall be in writing and shall be deemed properly given if delivered by both of the following methods:

a. certified mail, return receipt requested; and

b. regular First-Class mail,

addressed to the Owner at the Owner's address as shown in the records of the York County Assessor.

2. Unless specifically provided a different address from the Owner in writing, the Village shall be entitled to rely on the address listed for the Owner in the records of the York County Assessor, and no additional effort to locate an alternative address shall be required.

3. Notice shall be deemed given and effective on the date it is deposited in the United States mail with proper postage, regardless of whether the Owner actually receives the notice, refuses delivery, or the notice is returned as undeliverable.

4. If a property has more than one Owner of record, notice to any one (1) Owner at the address maintained by the York County Assessor shall constitute notice to all Owners for purposes of this Article, unless otherwise required by law.

§ 177.59 SAME; ENFORCEMENT

1. Any person who violates, or otherwise fails to comply with the requirements of this Article, shall be deemed guilty of an offense and upon conviction thereof, shall be fined in the amount of $100.00 per violation. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this Article.

2. The Village may enforce the collection of vacant property registration fees by civil action in any court of competent jurisdiction.

3. Unpaid vacant property registration fees, and unpaid fines for any violation of a vacant property registration ordinance, shall become a lien on the applicable property upon the recording of a notice of such lien in the office of the York County Register of Deeds. Any such lien actually filed 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.

§ 177.60 SAME; APPLICABILITY

The provisions of Article shall be supplemental to and in addition to the Vacant Property Registration Act (Neb. Rev. Stat. §19-5401 *et seq.*) and any other laws of the State of Nebraska, or the Municipal Code of Gresham, Nebraska, relating to vacant property.

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication of this Ordinance and in conflict with its provisions is repealed.

Section 3. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Section 4. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 14th day of July, 2026.

VILLAGE OF GRESHAM SEAL GRESHAM, NEBRASKA

Justin Brahmsteadt, Chairperson

Attest:

Michelle Lowther

Michelle Lowther, Village Clerk