

Chapter 100, BUILDINGS, UNSAFE

§ 100-1. Applicability.

A. All buildings or structures which are structurally unsafe or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard or abandonment as specified in this chapter and the Uniform Building Code or any other effective ordinances, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the provisions specified in this chapter.

B. Whenever the occupancy of a building or portion thereof becomes dangerous to life or limb by reason of the imminent or actual failure or collapse of any wall or part of an adjacent building or structure, the Chief Building Official or his or her agents or assistants or the Chief of the Fire Department may order the immediate temporary vacation of such building, or part thereof found to be unsafe, until such dangerous condition is remedied or removed.

§ 100-2. Notice.

A. The Chief Building Official or his or her agents or assistants shall cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the Chief Building Official or his or her agents or assistants shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premise, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from the date of notice, unless otherwise stipulated by the Chief Building Official or his or her agents or assistants, if necessary, such notice also shall require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Chief Building Official or his or her agents or assistants. Service of notice shall be personal service upon the owner of record if he or she resides within the city limits. If he or she does not reside within the city limits, such service may be made by registered or certified mail; provided that if such notice is by registered mail, the designated period within which said owner or person is required to comply with the order of the Chief Building Official or his or her agents or assistants shall begin as of the date he or she receives such notice.

B. Upon receipt of the notice from the permits and inspection office, the owner, lessee, occupant or mortgagee of record may appear before the Council and show cause why the municipality should not condemn such building as a nuisance.

C. The Council shall hear all objections made by the owner, lessee, occupant or mortgagee of record of such building, as well as evidence submitted by the permits and inspection office or other person interested. All testimony shall be given under oath and the Mayor or President of the City Council is authorized to administer the necessary oath. If, after consideration of all the evidence produced, the Council shall find that said building is a nuisance, it shall resolve, order and direct the owner to cause said building or structure to be torn down and removed; the resolution to be in the form prescribed by the Council.

§ 100-3. Posting of signs.

A. After a building or structure has been declared a nuisance and ordered torn down by the Council it shall be unlawful to begin to use and/or occupy or to continue to use and/or occupy the same. The Chief Building Official or his or her agents or assistants shall cause to be posted at each entrance to such building a notice to read:

DO NOT ENTER. UNSAFE TO OCCUPY.
PERMITS AND INSPECTIONS OFFICE
PAPILLION, NEBRASKA

B. Such notice shall remain posted until the required repair, demolition or removal are completed. Such notice shall not be removed without written permission of the Chief Building Official or his or her agents or assistants and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

§ 100-4. Right to demolish.

A. Should the owner refuse or neglect to promptly comply with the order of the Council to tear down and remove such building or structure condemned as a nuisance, or place the premise in a safe condition, the Chief Building Official or his or her agents or assistants shall proceed with the tearing down and removal of such building or structure, and/or the removal from such premise of the remaining debris, and he or she shall place the premise in a safe condition. He or she shall sell, dispose of and remove from the premise all materials, rubbish and debris and leave the premise in a safe condition. The money so obtained shall be applied to the cost of such work. Statement of cost of such work shall be transmitted to the Council, which shall cause the same to be paid and levied as a special assessment against the property. The city shall also have the right to collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

B. The costs incurred under this section shall be paid out of the city treasury. Such costs shall be charged to the owner of the premise involved as a special assessment on the land on which the building or structure is located and shall be collected in the manner prescribed for special assessments.

§ 100-5. Applicability.

Any and all buildings or structures which have any or all of the following defects are hereby declared to be dangerous buildings:

A. All buildings and structures whose walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

B. All buildings and structures which, exclusive of the foundation, show damage or deterioration of 1/3 or more of the supporting member or members, or show damage or deterioration of 50% of the nonsupporting members, enclosing or outside covering.

C. All buildings and structures which have improperly distributed loads upon floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

D. All buildings and structures which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the municipality.

E. All buildings or structures which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein.

F. All buildings or structures having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

G. All buildings and structures which have inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or means of communication.

H. All buildings and structures which have parts hereof which are so attached that they may fall and injure person or property.

I. All buildings and structures which because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the municipality.

J. All buildings and structures existing in violation of any provision of the Uniform Building Code or any provision of the Life Safety Code or other sections of this chapter.

§ 100-6. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the Chief Building Official or his or her agents or assistants on ordering repair, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered vacated.
- C. In any case where a dangerous building is 50% damaged or decayed or deteriorated from its original value or structure, it shall be demolished and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this code or any statute of the State of Nebraska it shall be demolished.

§ 100-7. Nuisances.

All dangerous buildings within the terms of this chapter are hereby declared to be nuisances and shall be repaired, vacated or demolished as hereinbefore provided.

§ 100-8. Violations and penalties. [Amended 5-5-1998 by Ord. No. 1264]

Any person who violates any of the prohibitions or provisions of any section of this chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular section for which the person stands convicted of violating, the penalty for such violation shall be fined in any sum not exceeding \$500 or imprisoned six months, or both said fine and imprisonment at the discretion of the sentencing court.