



City of Gering, Nebraska

1025 P Street • P.O. Box 687 • Gering, NE 69341 • (308) 436-5096

RE: Abandoned/Vacant Real/Personal Property

The Abandoned/Vacant Real/Personal Property Registration Department would like to take the opportunity to inform all mortgagees of abandoned/vacant properties that they are required to register the property with the City of Gering. Enclosed is the application form that must be completed and returned with the registration fee on an annual basis on or before the first day of October until the property is legally occupied. If you own multiple properties please submit an application form and \$150.00 registration fee per property. The check or money order should be made payable to: The City of Gering. Please return completed application(s) along with the \$150.00 registration fee to:

City of Gering
Abandoned/Vacant Real/Personal Property Registration Department
PO Box 687
Gering, NE 69341

The Abandoned/Vacant Real/Personal Property Registration Department will process all applications and may inspect the property on a regular basis to ensure compliance with Ordinance 1980: Relating to Mortgaged Real Property. A copy of the ordinance is enclosed for your review.

Your cooperation and participation in this effort is appreciated, and will help create and maintain a safe and healthy community for all residents.

If you should have any questions in regards to this ordinance you may contact the City of Gering Abandoned/Vacant Real/Personal Property Registration Department at 308-436-5096 or via email at cmartin@gering.org.

Sincerely,

Carol Martin
Administrative Secretary 1

Enclosure: Abandoned/Vacant Real/Personal Property Registration Form &
Ordinance 1980

Abandoned/Vacant Real/Personal Property Registration Form
Information on this form is subject to the requirements of the Nebraska Open Records Act.

Please complete the following information to register a property (* denotes a required field)

*1. New Registration Renewal Registration Change in Ownership/Unregister a Property

*2. Registered Property Address

*3. Single Family

Multi-Family 2-4 Units

Multi-Family 5+ Units

*4. Foreclosure #

NED Date:
(Notice of Default)

Sale Date:
(Foreclosure: Sale Date)

Beneficiary Information

*Lender/Service/Lien Holder

*Address

*Contact Name

*Contact Phone

*Contact Fax

*Contact Email

Preferred method of correspondence: Regular Mail

Email

Both

*Property/Asset Manager: Check if same as above

*Address

*Contact Name

* 24 Hour Contact Phone #

*Is property currently listed for sale on the Multiple Listing Service?

Yes

No

*If yes: Company

*Contact Name

*Phone No.

Please complete the following:

Indicate a change in property ownership or remove a registered property

*Registered Property Address

*Date of Sale of Property

*Name of buyer of the property

*Buyers Address

***Certification: I hereby certify that I have reviewed this Abandoned/Vacant Real/Personal Property registration form and further certify that to the best of my knowledge and belief the information contained therein is true, accurate and complete.**

*Print Name

*Signature

*Date

*Company Name & Address

Please return this completed registration form with a \$150.00 check or money order to:

Carol Martin

City of Gering

Abandoned/Vacant Real/Personal Property Registration

PO Box 687

Gering, NE 69341

ORDINANCE NO. 1980

AN ORDINANCE OF THE CITY OF GERING, NEBRASKA RELATING TO MORTGAGED REAL PROPERTY; TO PROVIDE PURPOSE, INTENT, DEFINITIONS, AND APPLICABILITY, REQUIRING MORTGAGEE REGISTRATION RELATING TO MORTGAGED REAL PROPERTY IN DEFAULT; PROVIDING FOR AN ELECTRONIC FORM OF REGISTRATION; PROVIDING SECURITY DOCUMENTS; PROHIBITING OBSTRUCTION OF GERING CITY CODE ENFORCEMENT OFFICERS; PROVIDING FOR ADDITIONAL MAINTENANCE AND SECURITY REQUIREMENTS; PROVIDING SUPPLEMENTAL AUTHORITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND INTERPRETATION; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

WHEREAS, foreclosed and abandoned homes have serious negative implications for the City of Gering, Nebraska in trying to manage the resulting vacant properties, increases in crime, homelessness, and other potential problems that result from family financial crisis; and

WHEREAS, foreclosed homes quickly succumb to the forces of nature and the elements, grass and weeds grow, mold and mildew form, mice and rodents flourish, creating public health hazards, landscaping dies from lack of attention or grows out of control, windows break, and exteriors suffer damage from normal wear and tear and vandalism and communities suffer, and causing a negative impact first on neighboring residences and then on entire neighborhoods; and

WHEREAS, property maintenance codes to regulate minimum community standards for the interior and exterior condition of structures have been adopted previously by the City of Gering; and

WHEREAS, registration requires the personal contact information of the owner or other responsible party who may be personally liable for any violation of codes when such person is or was the person owning or managing, controlling, or acting as agent in regard to buildings or premises; and

WHEREAS, the City of Gering finds that neighborhoods should be protected from becoming blighted, or otherwise effected negatively, through the lack of adequate maintenance and security of abandoned and vacant properties subject to mortgages that are in default; and

WHEREAS, the City of Gering finds that it is in the public interest to address safety and aesthetic concerns and the economic wellbeing of the City so as to assure that property subject to a mortgage in default or foreclosure will continue to be maintained and secured and that blight or other negative effects will not occur.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, THAT:

The above recitals are true and correct and by this reference are incorporated herein and made an integral part hereof, and the Code of Ordinances of the City of Gering, Nebraska, is hereby amended by establishing the following Foreclosure Registration, which sections read as follows:

SECTION 1

1. Purpose and intent.

The Purpose of this section is to establish a process to limit and reduce the amount of deteriorating property located within the City, as to which a public notice of default has been filed, which is in foreclosure, or where ownership has been transferred to the lender or mortgagee by any legal method. It is further intended to establish a registration program as a mechanism to protect neighborhoods from the negative effects of inadequately maintained, abandoned, or vacated properties subject to a mortgage or properties subject to mortgages that are in default.

2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning. Where the context will permit and no definitions are provided herein, the definitions provided in the applicable Building Code shall apply.

Abandoned real property means any real property that is vacant and/or is under a public notice of default, notice of mortgagee's sale, pending tax assessor's lien sale and/or properties that have been the subject of a foreclosure sale where title is retained by the mortgagee, and any properties transferred under a deed-in-lieu of foreclosure sale, short sale or any other legal means in lieu of foreclosure.

Default means that the mortgagee files a foreclosure action or public notice of default on the mortgage. A mortgage shall be considered in default at such time as the mortgagee declares said mortgage to be in default either in writing, by recording a Lis pendens, or by its actions, or commences foreclosure proceedings.

Enforcement officer means any law enforcement officer, building official, problem resolution team, fire inspector or code enforcement officer employed by the City of Gering.

Evidence of vacancy means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, broken windows or doors, electricity, water or other utilities turned off,

statements by neighbors, passers-by, delivery agents or government agents, among other evidence.

Foreclosure means the judicial process by which a property placed as a security for a mortgage loan, after a judicial process, is to be sold at an auction to satisfy a debt upon which the borrower has defaulted.

Vacant means any building or structure that is not regularly and lawfully occupied or inhabited by human beings.

Landscaping shall include, but not be limited to, grass, ground cover, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential, commercial or industrial installation, as applicable.

3. Applicability.

This section relates to all abandoned or vacant real property.

4. Penalties.

Violations of this section shall be subject to enforcement by the City of Gering in any manner provided herein or elsewhere in the City of Gering Code.

5. Registration of real property mortgagee holding mortgages in default.

(a) Any mortgagee who holds a mortgage on real property located within the corporate limits of the City of Gering shall perform an inspection of the property upon default by the mortgagor or prior to the issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed vacant or abandoned and the mortgagee shall, within two days of the inspection, register the property with the City of Gering on forms developed and made available by the City of Gering or the City's designee, even though the real property may not be vacant. If the mortgage on the property is in default, no later than ten days after the date that a default is declared, the mortgagee shall register the property with City of Gering on forms developed and made available by the City of Gering or the City's designee.

(b) If the property is occupied but remains in default, it shall be inspected monthly by the mortgagee or mortgagee's designee.

(c) Within ten days of the date the mortgagee declares its mortgage to be in default, the mortgagee shall register the property with the City of Gering or the City's designee and, at the time of registration, shall designate in writing a local property manager to inspect, maintain and secure the real property subject to the mortgage in default.

- (d) Registration pursuant to this section shall contain at a minimum the name of the mortgagee, the mailing address of the mortgagee and e-mail address, and telephone number and name of the local property manager. The local property manager shall be responsible to inspect, secure and maintain the property. The property manager named in the registration shall be located within 100 miles of the City of Gering and be available to be contacted by the City, Monday through Friday between 9:00 a.m. and 5:00 p.m., holidays and lunch hours excluded. The City of Gering shall charge a fee of \$150.00 for any registration or a modification of registration and may at the City's discretion assign and delegate the collection of such fee to an independent contractor. The structure shall be posted by the City of Gering with an 8 ½ inch by 11 inch sign containing the information required for registration. The sign shall be located in or upon the front window or door of the structure facing the street.
- (e) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the mortgagee as well as any properties transferred to the mortgagee under a deed in lieu of foreclosure.
- (f) Properties subject to this section shall remain under the annual registration requirement, inspection, security, and maintenance standards of this section as long as they are abandoned real property.
- (g) Any person or other legal entity that has registered a property under this section must report any change of information contained in the registration within ten days of the change.
- (h) Failure of the mortgagee and/or property owner of record to properly register or to revise the registration from title to title to reflect a change of circumstances as required by this section is a violation of the City Code and may result in the issuance of a citation.
- (i) Responsible parties are affirmatively required to deregister properties once these properties are no longer subject to registration pursuant to this Chapter.

6. Maintenance Requirements.

- (a) Properties subject to this chapter shall be kept free of weeds, 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 including, but not limited to, furniture, clothing, large and small appliances, or any other items that give the appearance that the property is abandoned or not being properly maintained. Weeds, overgrown brush or dead vegetation are prohibited.

- (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. Yards shall be landscaped and maintained pursuant to the standards set forth in the City Code.
- (c) Maintenance shall include, but not be limited to watering and mowing of required landscape and removal of all trimmings and weeds.
- (d) Failure of the mortgagee and/or property owner of record to properly maintain the property is a violation of the City Code and may result in the issuance of a citation.

7. Security Requirements.

- (a) Properties subject to this chapter shall be maintained in a secure manner so as to not be accessible to unauthorized persons, animals, or insects.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of all windows, doors, gates and other openings of such size that may allow access to the interior of the property and/or structure. Broken windows shall be secured by re-glazing or boarding.
- (c) If a mortgage on the property is or has been in default on the property and the property becomes vacant or abandoned real property, a local property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with this Code and the local property manager must perform weekly inspections to verify compliance with the requirements of this section, and any other applicable laws or ordinances of the City.
- (d) When the property becomes vacant or abandoned real property, it shall be posted by the City with the name and 24-hour contact telephone number of the local property manager. The posting shall be at least 8 ½ inches by 11 inches and shall contain the following language: THIS PROPERTY IS MANAGED BY _____ TO REGISTER PROPERTY AND OBTAIN AN APPROVED POSTER, _____.
- (e) The posting shall be placed in or upon the front window or door of the structure facing the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

(f) Failure of the mortgagee and/or property owner of record to properly inspect and secure the property, and post and maintain the signage noted in this section, is a violation of this section and shall result in the issuance of a citation by a Gering City Code enforcement officer.

8. Opposing, obstructing enforcement officer; penalty.

Whoever opposes, obstructs or resists any enforcement officer, or any person authorized by the City, in the discharge of duties as provided in this section, upon conviction may be sanctioned as provided in this Code.

9. Immunity of enforcement officer.

Any enforcement officer, or any person authorized by the City to enforce this section, shall be immune from prosecution, civil or criminal, for reasonable, good faith entry or trespass upon real property while in the discharge of duties imposed by this section.

10. Additional authority.

Failure to comply with the terms of this section shall constitute a continuing public nuisance. The City shall have the authority to promptly abate the public nuisance, in whole or in part, by action of the City Council, City Administrator, Problem Resolution Team, jointly or severally, at the expense of the mortgagee or other responsible party.

11. Supplemental provisions.

Nothing contained in this section shall prohibit the City from enforcing its Codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by Code. If any phrase or portion of this ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, then the remainder thereof shall not be affected thereby.

This Ordinance shall take effect and be in full force on the 23rd day of JUNE, 2014, after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 23rd day of JUNE, 2014.

SEAL



Kathy Wells, City Clerk

Edwin L. Mayo, Mayor