

ORDINANCE NO. 1007

AN ORDINANCE OF THE CITY OF GOTHENBURG AMENDING THE PROVISIONS OF THE GOTHENBURG CODE OF ORDINANCES FOR ARTICLE 93 SECTIONS 93.02 AND 93.19 PROVIDING ADDITIONAL DUTIES OF THE COMMUNITY SERVICE OFFICER AND PROVIDING FOR PERSONAL SERVICE OF NOTICE OF ABATEMENT OF NUISANCE, REPEALING PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA AS FOLLOWS:

Section 1. Title IX, Chapter 93, is hereby amended by amending Section 93.02 of the Gothenburg Code of Ordinances to read as follows:

§ 93.02 ENFORCEMENT OFFICIAL.

The Mayor with consent of the City Council shall appoint a Community Service Officer (the "CSO"). The CSO shall operate under the direct supervision of the City Police Chief. It shall be the duty of the CSO to make inspections of properties within the zoning jurisdiction of the city; determine whether a violation of the provisions of Chapter 93, Section 96.08 and Section 150.096 of this Code exists; provide notice of violations as set forth hereafter; provide notice of right to appeal of such determination; and report such violations to the City Police Chief and the City Council. It shall be unlawful for any person to refuse to allow the CSO entry into any property or building for purposes of making an inspection when the CSO has reasonable cause to believe that a violation of the provisions of Chapter 93, Section 96.08 and Section 150.096 exist. If entry is refused by the owner or occupant, the CSO shall have the right to seek an order of the court to enter upon such private property to determine the existence of or absence of a nuisance.

The City Police Chief, as the Quarantine Officer, shall be the Chief Health Officer of the city. It shall be his or her duty to notify the City Council of health nuisances within the city and its zoning jurisdiction.

(Neb. RS 17-121) (Prior Code, § 4-102)

Section 2. Title IX, Chapter 93, is hereby amended by amending Section 93.19 of the Gothenburg Code of Ordinances to read as follows:

§ 93.19 ABATEMENT.

(A) It shall be the duty of every owner or occupant of real estate in the city to keep the real estate free of public nuisances. Upon determination by the Community Service Officer or a police officer of the city that the owner or occupant has failed to keep the real estate free of public nuisances, a notice to repair, abate or remove the nuisance and notice of the right to a hearing shall be given to each owner or owner's duly authorized agent and to the occupant of such real estate. Such notice shall be personally served on the owner or occupant. If the owner or occupant cannot be found, then such notice shall be posted on the on the door of the primary building, or if no building, then on any such lot nearest a public street and shall be mailed by first class mail to the

owner at the address shown on the records of the Dawson County Treasurer for such real property, and to the occupant's address if known. Such mail shall be conspicuously marked as to its importance. Such hearing shall be before the City Administrator who is hereby designated the hearing officer for such hearing. A request for hearing to appeal the decision of the Community Service Officer shall be in writing and delivered or mailed to the City Clerk, The notice shall describe the condition as found by the Community Service Officer or police officer and state that the condition has been declared a public nuisance, and that the condition must be remedied at once. Within five days after the receipt of the notice, if the owner or occupant of real estate does not request a hearing or fails to comply with the order to abate and remove the nuisance, the city shall have the work done, and

(1) May levy and assess the costs and expenses of the work upon the real estate so benefitted in the same manner as other special taxes for improvements are levied and assessed; or

(2) Recover in a civil action the costs and expenses of the work upon the lot and the adjoining streets and alleys.

(B) If the owner or occupant requests in writing a hearing with the City Clerk, the hearing officer shall fix a time and place at which a hearing will be held. Notice of the hearing shall be given by first class mail, and require the owner or occupant to appear before the hearing officer to show cause why the condition should not be found to be a public nuisance and remedied. The hearing shall be held within fourteen days of receipt of the request for hearing. Upon the date fixed for the hearing, and pursuant to the notice, the hearing officer shall hear all objections made by the owner or occupant and shall hear evidence submitted by the Community Service Officer or police officer. The hearing officer shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the city or village may have such work done. Should the owner or occupant refuse or neglect abate the nuisance the city shall proceed to cause the abatement of the described public nuisance. The owner of the real estate shall be pay for all costs incurred by the city for such abatement. If unpaid for two months after such work is done the city:

(1) May levy and assess the costs and expenses of the work upon the real estate so benefitted in the same manner as other special taxes for improvements are levied and assessed; or

(2) Recover in a civil action the costs and expenses of the work upon the lot and the adjoin streets and alleys.

(Neb. RS 18-1720) (Prior Code, § 4-303) (Am. Ord. 889, passed 5-6-2014)

Section 3. Copies of each section of the Code of Ordinances amended or repealed hereby are attached hereto as Exhibit "A".

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

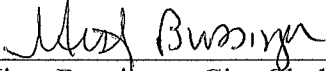
Section 5. This ordinance shall become effective from and after it passage, approval and publication in pamphlet form as required by law.

Adopted April 5, 2022.

CITY OF GOTHENBURG, DAWSON  
COUNTY, NEBRASKA

  
\_\_\_\_\_  
Joyce Hudson, Mayor

ATTEST:

  
\_\_\_\_\_  
Misty Bussinger, City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_  
Michael L. Bacon, City Attorney

Exhibit A  
(Prior Ordinance Sections)

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