

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE VILLAGE OF MCGREW, NEBRASKA, AMENDING THE PROCEEDURE CONCERNING UNSAFE BUILDINGS, SECTION 9-303 OF THE MUNICIPAL CODE OF THE VILLAGE OF MCGREW, NEBRASKA; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHARIMAN AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MCGREW, NEBRASKA, THAT SECTION 3-15 BE ESTABLISHED AS FOLLOWS:

SECTION 1: That Section 9-303 of the Municipal Code of the Village of McGrew be and hereby is amended as follows:

SECTION 9-303: NUISANCE, UNSAFE BUILDING; DETERMINATION AND NOTICE

Whenever the building inspector, fire chief, health official or the Board of Trustees shall be of the opinion that any building or structure in the Village is an unsafe building; he/she shall file a written statement to this effect with the Village Clerk. The clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of such determination in the office of the county register of deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. Such notice shall state that the building has been declared to be in an unsafe or dangerous condition; and that such condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied within 60 days from the date of receipt. Such notice may be in the following terms:

"To: _____ (owner-occupant of premises)
of the premises known and described as _____.

"You are hereby notified that _____ (describe building) on the premises above-mentioned has been determined to be an unsafe or dangerous building and a nuisance after inspection by _____.

The causes for this decision are:

(here insert the facts as to the dangerous condition).

"You must remedy this condition or demolish the building within 60 days from the date of receipt of this notice or the Village shall proceed to do so. Appeal of this determination may be made to the Village Board of Trustees, acting as the Board of Appeals, by filing with the Village Clerk within ten days from the date of receipt of this notice a request for hearing.
"

If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that an unsafe or dangerous building exists within ten days from the time when this notice is served upon such person by personal service or certified mail, the building inspector may, upon orders of the Village Board of Trustees, proceed to remedy the condition or demolish the unsafe or dangerous building. In such event, The Village may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the governing body. The governing body may:

- (1) Levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or
- (2) Collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

(Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01)

b. Copies of the notice, signed by the city Clerk, shall be served as follows:

- (1) A copy shall be delivered by the Village Clerk, or by any person whom he shall in writing authorize to deliver it, to the person or persons to whom the notice is addressed, unless the person is a nonresident of, or after diligent investigation and inquiry cannot be found within the village.
- (2) If a person to whom the notice is addressed is a nonresident of, or after diligent investigation and inquiry cannot be found within, the Village, the Village Clerk shall cause a copy of the notice to be mailed by certified or registered mail addressed to the person at his or her last known address and requiring a receipt signed by such person.
- (3) If a person to whom the notice is addressed is deceased, and the Village clerk, after diligent investigation and inquiry, is unable to ascertain and does not know the name, residence, place of abode or whereabouts of the heirs, devisees, personal representatives or other persons interested in the estate of such named person deceased, the Village Clerk shall cause to be published a notice addressed to "the heirs, devisees, legatees, personal representatives and all other persons interested in the estate of such named person deceased, "real names unknown."
- (4) If the Village Clerk, after diligent investigation and inquiry, is unable to ascertain the name, residence or address of a person, not deceased, who has or appears or claims to have some interest in the lot or tract and building or structure, the Village Clerk shall cause to be published a notice addressed to "all persons having or claiming to have an interest. In," followed by a legal description

of the lot or tract. If publication of notice is required, the Village Clerk shall also cause a copy of the notice to be posted in a conspicuous place on the building or structure to which the notice relates. Service and posting of the notice shall be reviewed by the Village Attorney as to legal sufficiency. If, for any reason, the service or posting of a notice shall be determined to have been insufficient or defective, then the hearing may be continued by the Village Board of Trustees for a period sufficient to enable proper service to be had on all persons to whom the notice is addressed or, as the case may be, to enable proper posting to be had.

SECTION II. That any ordinance or a part of any ordinance in conflict herewith is hereby repealed.

SECTION III. This ordinance will become effective from and after the date of its passage, approval, and publication.

PASSED AND APPROVED this 11th day of December, 2025.

/s/ Martin Staab, Chairman, Village Board of Trustees

(Seal)

ATTEST:

/s/ Courtney Cerny, Village Clerk