

## **DANGEROUS BUILDINGS**

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 interior 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 thirty-three (33 percent or more, of damage or deterioration of the supporting member or members of fifty (50) percent of the damage or deterioration of the non-supporting, enclosing or outside or covering.
- c. All buildings an structures which have improperly distributed loads upon floors or roofs or in which the same are over-loaded, 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 County of Douglas.
- e. All buildings and 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 humane habitation, or are likely to cause sickness or disease, so as to work injury to the healthy, morals, safety or general welfare of those living therein.
- f. All buildings and 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 having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.
- h. All buildings or structures which have parts thereof which are so attached that they may fall and injure persons 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 County.
- j. All buildings and structures existing in violation of any provision of the Building Code of this County or any provision of the Fire Prevention Code or other Resolutions of this County.

## **STANDARDS FOR REPAIR, VACATION OR DEMOLITION**

The following standards shall be followed in substance by the Planning & Zoning Coordinator in ordering repair, vacation or demolition:

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- a. If the “dangerous building” can reasonably be repaired so that it will no longer exist in violation of the terms of this Resolution 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 to be vacated.
- c. In any case where a “dangerous building” is 50 percent 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 Resolution 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 Regulation, or any Regulation of the County or statute of the State of Nebraska, it shall be demolished.

## **DANGEROUS BUILDING – NUISANCES**

All “dangerous buildings” are hereby declared to be nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

## **DUTIES OF BUILDING INSPECTOR**

The Building Inspector of the Permits and Inspections Division shall:

- a. Inspect or cause to be inspected annually, all public buildings, schools, halls, churches, theatres, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a “dangerous building” within the County of Douglas Code.
- b. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of the County of Douglas Code.
- c. Inspect any building, wall or structure reported by the Fire or Sheriff Divisions of this County as potentially existing in violation of the terms of the County of Douglas Code.
- d. Inspect annually buildings to determine whether they are “dangerous buildings” within the terms of this Regulation.
- e. Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said buildings as shown by the land records of the Register of Deeds of Douglas County, of any building found by him to be a “dangerous building” within the standards of this Regulation that:
  1. The owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and the provisions of this Regulation.
  2. The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession.
  3. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Register of Deeds of Douglas County

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may, at his own risk, repair, vacate, or demolish said building or have such work or act done; provided, that any person notified under this sub-section to repair, vacate or demolish any building shall be given reasonable time, not exceeding 30 days, as may be necessary to do or have done the work or act required by the notice provided for herein.

- f. Set forth in the notice provided for in sub-section (e) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a “dangerous building” and an order requiring the same to be put in such condition as to comply with the terms of the Douglas County Code within such length of time, not exceeding 30 days, as is reasonable.
- g. Report to the Planning & Zoning Coordinator any non-compliance with the “notice” provided for in sub-section (e) and (f) hereof.
- h. Appear at all hearings conducted by the Chief of the Permits and Inspections Division, or his authorized representative, and testify as to the condition of “dangerous buildings.”
- i. Place notice on all “dangerous buildings” reading as follows:

“This building has been found to be a dangerous building by the Permits and Inspections Division pursuant to the Douglas County Code. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records in the Douglas County Register of Deeds office, it is unlawful to remove this notice until such notice is complied with.”

## **DUTIES OF THE PLANNING & ZONING COORDINATOR**

The Planning & Zoning Coordinator shall:

- a. Upon receipt of a report of the Building Inspector, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Douglas County Register of Deeds to appear before him on the date specified in the notice to show cause why the building or structure reported to be a “dangerous building” should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the Building Inspector’s notice provided for in this Regulation.
- b. Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records in the Register of Deeds office of Douglas County shall offer relative to the “dangerous building.”
- c. Make written findings of fact from testimony offered as to whether or not the building in question is a “dangerous building” within the terms of this Regulation.
- d. Issue an order based upon findings of fact made commanding the owner, occupant, or mortgagee, lessee, agent and all other persons having an interest in said building as

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shown by the land records in the Douglas County Register of Deeds office to repair, vacate, or demolish any building found to be a “dangerous building” within the terms of this Regulation and provided that any person so notified, except the owners shall have the privilege of either vacating or repairing said “dangerous building”; or any person, not the owner of said “dangerous building” but having an interest in said building as shown by Court House records may demolish said “dangerous building” at his own risk to prevent the acquiring of a lien against the land upon which said “dangerous building” stands.

e. Report to the County Law Department the names of all persons not complying with the order provided for in sub-section (d) of this Section.

## **EMERGENCY CASES**

In cases where there is immediate danger to life or safety of any person unless a “dangerous building” as defined herein is immediately vacated, and demolished, the building inspector shall report such facts to the Planning & Zoning Coordinator. The County by and through the Planning & Zoning Coordinator shall forthwith contract for the immediate vacation and demolition of such “dangerous building” shall be levied, equalized and assessed, as are other special assessments.

## **WHERE OWNER ABSENT FROM THE COUNTY**

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the County all notices or orders provided for herein shall be sent by registered or certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Register of Deeds office of Douglas County to the last known address of each and a copy of such notice shall be posted in a conspicuous place on the “dangerous building” to which it relates. Such mailing and posting shall be deemed adequate service.

## **DUTIES OF THE SHERIFF AND FIRE DIVISIONS**

All of the employees of the Sheriff and Fire Divisions shall promptly report in writing to the Planning & Zoning Coordinator any buildings or structures which are, may be, or are suspected to be “dangerous buildings” within the terms of this Regulation.

## **PENALTY FOR VIOLATIONS**

Any person, persons, firm or corporation who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any of the provisions inclusive of this Regulation shall be guilty of a Class III misdemeanor according to Nebraska Revised Statutes Sec. 23-174. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

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### **SEVERABILITY**

If any section, clause, provision, or part or portion of any section, clause or provisions inclusive of this Regulation, or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any other section, clause, provision or part or portion of this Regulation.