

# **City of Scottsbluff, Nebraska**

**Monday, April 21, 2014**

**Regular Meeting**

## **Item Reports4**

**Council to receive information on a Property Maintenance Code.**

**Staff Contact: Sheila Hort, Code Administrator**

## Problem Properties

### Scottsbluff's current program

Code enforcement personnel use the nuisance ordinances (Chp. 12) to enforce the following: conditions that harbor rats, mice, etc., refrigerators left outdoors, weeds up to 12 inches tall, junk, litter, and other offenses such as odors, standing water, animal carcasses, & beehives. Property owners may keep two inoperable vehicles on their property if they are concealed with an automobile cover.

Notice of violation is sent by certified mail. The owner may request a hearing before the City Manager. If no hearing is requested or the violation is not abated the city can remove the nuisance and charge the owner. If it is not paid within two months then the city can assess the property. The city has taken property owners to court in the past, but the usual outcome is a small fine and the city still has to clean up the property. Any court collected fines go to the school district.

Currently, the city has one code enforcement officer who works under Development Services. The building inspectors also handle enforcement complaints.

### Adoption of the International Property Maintenance Code

This code could be adopted in its entirety or by sections, possible by everything related to the exterior or both exterior and interior. The 2009 edition covers general exterior requirements: sanitation, grading & drainage, sidewalks & driveways, weeds, rodents, exhaust vents, accessory structures, gates & swimming pools, motor vehicles, and defacement of property. Painting or protecting the surfaces of doors, window frames, porches, trim, decks & fences. It requires address numbers on all structures. Structural members are required to be free from deterioration including foundations, walls, roofs, stairs, chimneys, etc. Windows and skylights are to be repaired if broken. Rubbish, garbage, and pest elimination are also covered.

The interior of the structure is inspected for unsafe structural conditions. Interior surfaces are required to be free from peeling, chipping, flaking or abraded paint or cracked and loose plaster. Walking surfaces are to be maintained in sound condition as well as handrails and doors. The interior is required to be free from rubbish, garbage, and pests. Chapter 4 covers light, ventilation, and occupancy limitations. Chapter 5 covers plumbing and Chapter 6 covers mechanical and electrical requirements. If interior inspections were done, it would require a warrant and a police officer to accompany an inspector.

Chadron, Alliance, Gering, Hastings, Norfolk, Kearney and McCook have all adopted the 2009 IPMC and it will go before Sidney council in two months. Some of these cities have a PRT (Problem Resolution Team) that decide on which properties to approach. Team members include the Police Chief, Fire Chief, Building Inspector, Council member and others if needed.

This removes any claims of an inspector picking on a property owner. Chadron only addresses problem properties that citizens have filled out a written complaint about.

The City of Hastings also has a Diversion Program. Instead of filing a complaint in county court for a violation, they offer to divert them from court. The owner gets a letter from the city attorney offering the use of the diversion program. They need to do three things: 1) correct the violation; 2) pay the diversion fee; 3) sign a statement agreeing not to violate that code again. Typically the diversion fee is \$50, and is paid to the city rather than court costs going to the school district. This fund is used to clean up other properties when needed.

Most cities address complaints only or they pick specific areas to focus on. If several complaints were to be addresses or large areas of the city, more code enforcement officers may be needed. Some cities in Nebraska have the code enforcement division under the police department and others have their officers under building and zoning.

From: Shiela Hort  
Sent: Monday, April 14, 2014 9:05 AM  
To: Rick Kuckkahn  
Cc: Annie Urdiales; Cindy Dickinson; Gary Batt; Andrea Folck  
Subject: FW: Property Maintanance [IWOV-SOLF1.FID188913]

From: Kent Hadenfeldt [mailto:KHadenfeldt@simmonsolsen.com]  
Sent: Monday, April 14, 2014 8:50 AM  
To: Shiela Hort  
Subject: RE: Property Maintanance [IWOV-SOLF1.FID188913]

Hi Shiela. If we add to our ordinance and have the money and people to run the program, yes. Kent.

From: Shiela Hort [mailto:Short@scottsbluff.org]  
Sent: Friday, April 11, 2014 11:17 AM  
To: Kent Hadenfeldt  
Subject: FW: Property Maintanance

Kent,

Do you think a Diversion Program would be something we could do in Scottsbluff?

From: Mark Evans [mailto:mevans@cityofhastings.org]  
Sent: Friday, April 11, 2014 10:53 AM  
To: Shiela Hort  
Cc: 'Bobbi Pettit - SCEDD'  
Subject: RE: Property Maintanance

Hi Sheila,  
To answer your questions, we only budget \$1500 a year for nuisance abatement. The remainder of our funds come from our Diversion program, and go into the Diversion Fund. Currently we have around \$47,000 in the diversion fund, and the program about \$7,000 a year on average.  
We don't give away this money, but rather use it to fund demolition or other abatement/cleanup.  
We don't do this very often, as a house demolition costs around \$15,000 to \$25,000.  
If we do demolish a property, the City then assesses the cost back against the property, and we typically end up owning the empty lot, which is then sold to defray expenses, but we typically only get \$5,000 to \$7,000 for a lot, meaning we take a substantial loss on these.  
Typically we try to get the owners to do the work as often as possible, due to the substantial cost to the City.

We do not have a grant program or anything like that to fund repairs. I think there are possibly some programs you could look at through CDBG. I would direct you to talk to Bobbi Pettit with the South Central Economic Development District. She would know a lot more about the programs available, and can put you in touch with the Panhandle Area Economic Development folks <http://www.nepadd.com> who are in Scottsbluff. I'm not sure if there is any CDBG money available for nuisance abatement or not. I know a few years back there was a grant available for that, but it's not currently available.

The Diversion Program is pretty simple:  
Instead of filing a complaint in county court for a violation, we offer to divert them from court. They get a letter from the attorney offering them to use the diversion program rather than the City filing a complaint and them going to court.  
They need to do three things: 1) correct the violation; 2) pay the diversion fee; 3) sign a statement agreeing not to violate that code again.  
Typically the diversion fee is \$50.00, and is paid to the City rather than the court costs going to the school district and the judge. :)

It can be a good tool, as it allows the City to let them off the hook of going to court and gets the nuisance abated. It also funds the cleanup of other properties when needed. If you or your legal counsel need more information on the diversion program, contact Dave Ptak, Hastings City Attorney. [dptak@cityofhastings.org](mailto:dptak@cityofhastings.org) There is no easy fix for these problem properties, and the City will always have to deal with them and pay to clean them up. That is just a fact of life in City government. But these are some of the tools we are using to deal with them as best we can and to serve the community.

Mark Evans  
Building Inspector  
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From: Shiela Hort [<mailto:Short@scottsbluff.org>]  
Sent: Friday, April 11, 2014 9:16 AM  
To: Mark Evans  
Subject: [Possible Spam] Property Maintenance  
Importance: Low

Mark,

Hi. I was in your class on problem properties at the NPZA conference in Kearney. It was very informative. I am putting together a presentation for our city council and have a couple of questions.  
1) How much does the City of Hastings budget for abatement if the owner does not comply?  
2) Are those funds available on all types of properties, such as rentals?  
Is there any provisions for lower income home owners?

I m sure I will think of more questions as I put together this, but that s all for now. I would appreciate hearing from you.

Thanks,

Sheila Hort  
Code Administrator I  
Development Services  
City of Scottsbluff

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