



City of Franklin
June 15, 2026 4:00 PM City Hall

1. Call Meeting to Order Roll Call

2. Verification of Open Meetings Notice

The Open meeting notice is posted on the north wall for viewing.

We encourage residents to participate in our council meetings. Public comment is an essential part of our democratic process. To ensure everyone has a fair opportunity to speak, we are implementing a three-minute time limit for each speaker per topic during the public comments section. This will allow us to hear from as many community members as possible. We appreciate your understanding and cooperation as we work to create a space that is respectful and open to all. Thank you

3. **Discussion and Action Items**

3.a. Discussion and action on Vacant Property Registry (VPR) Ordinance #968 including potential suspension of the program

3.b. **Public Comments**

4. Adjourn

The City of Franklin follows the Nebraska Open Meetings Act. A copy is displayed in this room as required by state law. The Mayor and City Council may enter an Executive Session anytime during the meeting, even if not listed on the agenda. The Mayor and City Council intend to follow the agenda order but may rearrange items to suit schedules. Individuals who wish to address the council may be allotted a speaking time of three minutes per person, per topic. Speakers are kindly requested to approach the podium and articulate their topic with clarity and professionalism.



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CITY OF FRANKLIN

ORDINANCE NO. 968

AN ORDINANCE OF THE CITY OF FRANKLIN, FRANKLIN COUNTY, NEBRASKA TO ADOPT VACANT PROPERTY REGISTRATION PROVISIONS AS PART OF CHAPTER 4 ARTICLE 3, AND ADD SECTION 4-310 REGISTRATION OF VACANT PROPERTIES TO THE CITY OF FRANKLIN, MUNICIPAL CODE; TO REPEAL ANY CONFLICTING ORDINANCES; TO ORDER THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FRANKLIN, FRANKLIN NEBRASKA that:

SECTION 1: That Chapter 4 Health and Sanitation, Article 3, Nuisances and Pollution of the Municipal Code of the City of Franklin, Nebraska be amended to add the following:

4-310: VACANT PROPERTY REGISTRATION

(A) FINDINGS

The City of Franklin finds and declares that:

- (1) Vacant properties have the potential to create a host of problems for the City, including a propensity to foster criminal activity, create public health problems, and otherwise diminish quality of life;
- (2) Vacant properties have the potential to reduce the value of area properties, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability;
- (3) Vacant properties represent unrealized economic growth in Nebraska communities;
- (4) A vacant property registration ordinance will allow the City to discourage property vacancy, maintain unoccupied buildings, create a database of vacant properties and their owners, and assess fees for the increased property costs associated with vacant properties;
- (5) Fees imposed under a vacant property registration ordinance have the potential to benefit the owners of vacant properties by helping to finance additional government services to protect the value and security of such properties; and;
- (6) Enactment of this vacant property registration ordinance is a proper exercise of the governmental authority to protect the public health, safety, and welfare of community residents and a valid regulatory scheme. See Neb. Rev. Stat. sec 18-1720

(B) PURPOSE

The purpose of this section is to promote the health, safety, and welfare of the City by providing authority for enacting vacant property registration requirements. This will allow the City to identify and

register vacant properties, collect fees to compensate for the public cost of vacant properties, plan for the rehabilitation of vacant properties, and encourage the occupancy of vacant properties.

(C) DEFINITIONS

For purposes of the vacant property registration ordinance:

- (1) **Evidence of Vacancy** means any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential or commercial building is vacant. Such conditions or circumstances may include, but are not limited to:
 - a. Lack of active utility service;
 - b. Overgrown or dead vegetation, including grass, shrubbery, and other plantings;
 - c. Visible deterioration or lack of maintenance of any building or structure on the property;
 - d. An accumulation of abandoned personal property, trash, or other waste;
 - e. Graffiti or other defacement of any building or structure on the property;
 - f. Building unsecured for thirty or more days, meaning that persons, animals or the elements of weather, using little or no effort, may access or enter the building, which is not actively being used as a dwelling or business property, including without limitation, by way of any open, unlocked, damaged, broken, weakened, compromised or missing doors, windows, or other building components;
 - g. Property sustained significant fire, wind, water, or other damage, is inhabitable, and diligent, consistent efforts to repair, rehabilitate, renovate, demolish, or remove the building are not evident within 60 days after the occurrence resulting in such damage;
 - h. Property boarded up for a period of more than sixty days, meaning that one or more of the building's doors or windows, or door or window openings, have been covered with plywood, wood or metal sheeting, paneling, or other materials, other than permanently installed doors or windows, for the purposes of preventing persons, animals, or the elements of weather from entering into the building;
 - i. Property not being used for the purpose it was zoned;
 - j. Property declared a nuisance pursuant to applicable Nebraska law or regulation or ordinances or regulations of the City, including without limitation Nebraska Revised Statute Section 18-1722 and any applicable City of Franklin nuisance ordinances; and / or
 - k. Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes or being used for the operation of a lawful business.
- (2) **Owner** means the person or persons shown to be the owner or owners of record in the records of the county register of deeds;
- (3) **Residential Building** means a house, a condominium, a townhouse, an apartment unit or building, or a trailer house;

- (4) **Vacant** means that a residential building or commercial building exhibits evidence of vacancy.
- (5) **Program Administrator** shall be designated by the City, and can be a City agency, a designated City official or employee, or a third party selected by the City to administer.

(D) APPLICATIONS

The City hereby adopts this vacant property registration ordinance which applies to any type of either residential or commercial buildings, located within the corporate limits of the City, except that a vacant property registration ordinance registration shall not apply to property owned by the federal government, the State of Nebraska, or any political subdivision thereof. This vacant property registration ordinance shall create a city-wide vacant property registration data base which shall be administered by a Program Administrator appointed by the City Council.

(E) REQUIREMENTS FOR VACANT BUILDING REGISTRATION

- (1) Owners of a vacant property subject to a vacant property registration ordinance shall be required to register such property with the Program Administrator on forms provided by the Program Administrator if the property has been vacant for one hundred eighty days (180) days or longer.
- (2) If the Program Administrator is aware of a property that has been vacant for one hundred eighty days (180) days or longer which has not been registered by the owner, the Program Administrator shall notify the owner by certified United States mail of the owner's obligation to register the property within fifteen (15) days. If after fifteen (15) days, the owner has failed to register the vacant property, the Program Administrator can register the vacant property and assess the applicable fees. Notice of the vacancy registration, fees, and the right to appeal the decision shall be done in accordance with section G.
- (3) A vacant property registration form shall be in either paper or electronic form, and the following information shall be required:
 - a. The name, street address, mailing address, telephone number, and, if applicable, the facsimile number and e-mail address of the property owner and his or her agent;
 - b. The street address and parcel identification number of the vacant property;
 - c. The transfer date of the instrument conveyed the property to the owner; and
 - d. The date on which the property became vacant.
- (4) This vacant property registration ordinance requires payment of a fee one hundred eighty days after initial registration of the vacant property pursuant to subsection (1) of this section or three hundred sixty days after the property becomes vacant, whichever is sooner, and requires the payment of supplemental registration fees every six months thereafter for as long as the property remains on the vacant property registration data base.
 - a. The initial registration fee shall be \$250.00 for a residential property and \$1,000.00 for a commercial property.
 - b. The supplemental registration fee shall be double the amount of the previous fee and shall be paid every six (6) months after the date the initial registration fee is due; the

supplemental registration fee shall automatically double every six (6) months thereafter until reaching a maximum supplemental registration fee of ten (10) times the initial registration fee amount.

- c. Failure to register within the prescribed timeframe given to the owner shall result in the City placing the property on the registration list and assessment of unpaid fees as a lien against the property.
- d. Registration fees may be refundable for the year preceding the date on which the property is no longer vacant.

(F) EXEMPTIONS

Vacant properties meeting the following conditions may be exempt from the Vacant Property Registration requirements:

- (1) Advertised in good faith for sale or lease in the last 30 days, good faith is defined as being listed for sale and actively marketed at a price no more than fair market value as determined by an appraisal or 125% of the assessed value as determined by the County Assessor;
- (2) Damaged, caused by casualty, in the last 90 days (fire, weather, and act of God, or vandalism);
- (3) Currently under construction or renovation that is expected to be completed in the next 180 days;
- (4) Only considered to be a seasonal residence and the property is properly maintained at all times;
- (5) Where the owner is temporarily absent, but who has demonstrated his or her intent to return within the next 180 days and the property is properly maintained at all times; or
- (6) Which is subject to divorce, probate, or estate proceedings, and the property is properly maintained at all times;

Upon application, the City Council may grant a one (1) year exemption upon affirmative vote. A property advertised in good faith for sale or lease as described above shall be granted an exemption, all other exemptions may be granted by the City Council.

(G) ADDITIONAL REQUIREMENTS; PROGRAM ADMINISTRATOR POWERS; NOTICE AND APPEAL

- (1) A subsequent owner or owners of property subject to the ordinance will assume the obligations of the previous owner or owners.
- (2) Property shall be removed from the vacant property registration database when the property is no longer vacant.
- (3) Owners of the registered property shall submit a plan for occupancy at the time of initial registration of the property.
- (4) Owners have the right to notice that the property has been placed on the vacant property list, the fees assessed, and right to appeal that decision. Notice shall be sent by certified mail to the registered owner at the address maintained in the County Register of Deeds at least thirty (30)

days prior to the property being placed on the vacant property list. If notice by certified mail is unsuccessful, said notice shall be given by a single publication in a newspaper of general circulation in the City of Franklin, Franklin County, and by conspicuously posting the notice on the vacant parcel. The date of service is determined by the later of certified mail receipt, personal service, or 10 days after the publication date. If written notice of an appeal is filed with the City Clerk within twenty (20) days of the date of service of notice, the City Council must hold a hearing within sixty (60) days. A decision on the appeal and notice of said decision shall be made within forty-five (45) days of the hearing. If the appeal is unsuccessful, the owner shall have thirty (30) days to register the property. The owner also has the right to appeal the decision within thirty (30) days to a court of competent jurisdiction.

- (5) The Program Administrator or his or her designee may inspect the interior and exterior of the vacant property upon registration and at one-year intervals thereafter for so long as the property remains on the vacant property registration data base.

(H) *ENFORCEMENT*

The City may enforce the collection of vacant property registration fees by civil action in any court of competent jurisdiction. Unpaid vacant property registration fees and unpaid fines for any violation of a vacant property registration ordinance shall become a lien on the applicable property upon the recording of notice of such lien in the office of the Register of Deeds of the county in which the applicable property is located.

- (1) The vacant property registration ordinance may be enforced by municipal fines for failure to comply with its requirements of \$100.00 per day of violation.
- (2) The City may enforce the collection of vacant property registration fees by civil action in any court of competent jurisdiction. Unpaid vacant property registration fees and unpaid fines for any violation of the vacant property registration requirements shall become a lien on the applicable property upon the recording of a notice of such lien in the Franklin County Register of Deeds office. The lien shall be subordinate to all prior properly recorded liens.
- (3) The City or program administrator may waive assessed registration fees as a means of remedying a vacancy or making it more readily transferable.
- (4) The City may foreclose the liens assessed against properties due to unpaid fees. Any costs associated with foreclosure, including but not limited to legal fees, property cleanup costs, title search fees, and interest, will be assessed against the property and/or property owners at the discretion of the City.

(I) *APPLICABILITY*

The provisions of this vacant property registration ordinance shall be supplemental to and in addition to any other laws of the State of Nebraska relating to vacant property.

Section 2: Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with his provisions is repealed.

Section 3: This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Section 4: This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 10th day of MARCH 2026.



Margaret Siel, MAYOR

ATTEST:



Raquel Felzien, CITY CLERK

