

Section 310. Vacant Building Registration.

Section 310:00. Purpose and Policy. The purpose of Section 310 is to protect the public health, safety, and welfare by establishing a program for the identification and regulation of vacant buildings within the City. Section 310 also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with the same.

Section 310:05. Findings. The City finds:

(a) Vacant buildings have become a major cause of and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to actively maintain and manage the building to ensure they do not become a liability to neighborhoods and the community.

(b) Vacant buildings may attract transients, homeless people, trespassers, and criminals, including drug abusers. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals, creates a risk of fire, explosion, or flooding for the vacant building and adjacent properties.

(c) Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass.

(d) Vacant buildings that are boarded up to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values.

(e) There is a substantial cost to the City for monitoring vacant buildings regardless of whether those buildings are boarded or not. This cost should not be borne by the general taxpayers of the community but rather these costs should be borne by those who are responsible for vacant buildings. It is a responsibility of property ownership to prevent property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare.

Section 310:10. Definitions. The following definitions shall apply in the interpretation and enforcement of this subsection:

Subd. 1. "Building" means a residential building designed for human use or occupancy

Subd. 2. "Compliance Official" means the Health Director or the Health Director's designee.

Subd. 3. "Owner" means those shown to be the owner or owners on city or county records; those identified as the owner or owners on a vacant building registration form, a holder of an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, other person, firm or corporation in control of the freehold of the premises or lesser estate therein. An owner also means any person, partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer, or director of any partnership, corporation, association or other legally-constituted business entity. All

owners shall have joint and several obligations for compliance with the provisions of this subsection.

Subd. 4. "Premises" means any real property and any appurtenant building or structure.

Subd. 5. "Responsible party" means an owner, legal occupant or an entity or person acting as an agent for an owner by agreement, which has authority over the real property or is responsible for the property's maintenance or management. Irrespective of any arrangement to the contrary with any other party, each property owner shall always be a responsible party for the purposes of this section. There may be more than one responsible party for a particular property.

Subd. 6. "Vacant building" means a building or structure in which no person or persons lawfully reside or live on a permanent, non-transient basis in accordance with City code and is in foreclosure, has delinquent fees or taxes owed the City, or has had three or more enforcement actions within a 12 month period of time including notices to correct, administrative citations, criminal complaints or abatements; or, is occupied by unauthorized persons for any amount of time.

Section 310:15. Vacant building registration.

Subd. 1. Application. The owner or responsible party must register a vacant building with the City no later than 90 days after the building becomes vacant. Registration is valid for a 12 month period following application. The registration must be submitted on a form provided by the City and shall include the following information supplied by the owner:

- (a) The name, address, and telephone number of each owner or the owner's representative;
- (b) The names, addresses, and telephone numbers of all known lien holders and all other parties with any legal interest in the building;
- (c) The name, address, telephone number, and email address of a local agent, maintenance company, or person responsible for managing or maintaining the property;
- (d) The legal description, tax parcel identification number, and street address of the premises on which the building is situated;
- (e) A description of the premises, including the common address of the property;
- (f) The date the building became vacant, the period of time the building is expected to remain vacant, and a property plan and timetable for returning the building to appropriate occupancy or use and for correcting code violations and nuisances, or for demolition of the building;
- (g) The status of water, sewer, natural gas and electric utilities;
- (h) The owner must notify the compliance official of any changes in

information supplied as part of the vacant building registration within 15 days of any change;

(i) If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be administratively registered as a vacant property.

(j) Evidence of liability insurance in an amount not less than \$300,000 covering damage to any person or any property caused by any physical condition of or in the building.

Subd. 2. Fees. The owner must pay an annual registration fee. The registration fee will be in an amount adopted by the City Council. The fee must be paid in full prior to the issuance of any licenses.

Subd. 3. Assessment. The amount of unpaid fees will be recovered by assessing the registration fee against the real property upon which the registration was required and to certify the same for collection in the same manner as taxes and special assessments are certified and a debt owed to the city by the responsible person or persons.

Subd. 4. Issuance of permit. Upon completion of the registration process and payment of the fee, the City will issue a Vacant Building Permit to the owner. The owner must securely post the permit on the vacant building on a side or rear entrance door that is not generally visible from the public street. If no side or rear entrance door is available, the permit must be securely posted on another available entrance door on that vacant building.

Section 310:20. Property Plan.

Subd. 1. Plan Requirements. The property plan identified in section 310:15, Subd. 1(f) must meet the following requirements:

(a) **General provisions.** The plan must comply with all applicable regulations and meet the approval of the compliance official. It must contain a timetable regarding use or demolition of the property. The plan must be submitted with the vacant building application.

(b) **Maintenance of building.** The plan must identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application. Any repairs, improvements or alterations to the property must comply with the applicable building codes and City regulations.

(c) **Plan changes.** If the property plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the compliance official.

(d) **Demolition required.** If a building has remained vacant for a period of 365 consecutive days, and the compliance official has not approved an alternative schedule in the property plan, the owner may be required to demolish the building in accordance with City code and State Statutes 463.15-463.26.

Subd. 2. Non-compliance and notification. If the owner does not comply with the property plan or maintain or correct nuisance items, the City may commence abatement and recover its costs for correction of those items in accordance with City code and State Statutes. In the case of an absent owner and ongoing nuisance items, the City need not provide notice of each abatement act to the owner. A single notice by the City to the owner that it intends to provide ongoing abatement until the owner corrects the items will be sufficient notice.

Section 310:25. Change of ownership. A new owner(s) must register or re-register a vacant building within 15 days of any transfer of an ownership interest in a vacant building. No fee will be required of the new owner provided the registration fee has been paid. The new owner(s) must comply with the approved property plan and timetable submitted by the previous owner. Any proposed changes in the property plan must be submitted and approved by the compliance official.

Section 310:30. Inspections. The compliance official may inspect any vacant building in the City for the purpose of enforcing and assuring compliance with this chapter and other applicable regulations. Upon the request of the compliance official, an owner or responsible party must provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available to provide access to the interior of the building, the City may use any legal means to gain entrance to the building for inspection purposes. Prior to any re-occupancy, a vacant building must be inspected by the City and found to be in compliance with the City Code and all other applicable regulations.

Section 310:35. Maintenance of vacant buildings. The owner must comply with and address the following items in the property plan:

Subd. 1. Appearance. All vacant buildings must be so maintained and kept that they appear to be occupied.

Subd. 2. Securing. All vacant buildings must be secured from outside entry by unauthorized persons or pests. Security must be by the normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows must remain locked. There shall be at least one (1) operable door into every building and into each housing unit. Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows in accordance with this chapter.

(a) Emergency securing. The compliance official may take steps to immediately secure a vacant building at his or her discretion in emergency circumstances.

(b) Temporary securing. Untreated plywood or similar structural panels may be used to secure windows, doors and other openings for a maximum period of 14 days.

(c) Architectural (cosmetic) structural panels. Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade-finished plywood or Medium Density Overlaid plywood (MDO). Panels must be painted to match the building exterior or covered with a reflective material such as plexi-glass to simulate windows.

(d) Artistic board-up. With prior approval of the compliance official, artistic options may be utilized to secure a vacant building.

Subd. 3. Termination of utilities. The compliance official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. No utility may be restored until consent is given by the compliance official. Utilities may be discontinued at the request of the owner or responsible party as part of the approved vacant building property plan. The compliance official may authorize immediate termination of utilities at his or her discretion in emergency circumstances.

Subd. 4. Police and fire alarm systems. The owner must properly maintain all alarm systems in any vacant building or portion thereof in operating condition; or, discontinue their service unless such service is required by code.

Subd. 5. Loitering and/or criminal activities. Loitering or engaging in criminal activities is not allowed in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party must not allow these activities and take immediate actions to eliminate these conditions once notified by the City.

Subd. 6. Emergency abatement. The compliance official may authorize immediate abatement of any public nuisance or maintenance item if, in the discretion of the compliance official, emergency circumstances exist that present an imminent threat to the public health and safety.

Subd. 7. Other codes. A plan for compliance with all applicable provisions of City code and other applicable regulations.

Section 310:40. No Occupancy or trespass. No person may trespass, occupy or reside in, on a temporary or permanent basis, any vacant building without the owner's consent.

Section 310:45. Vandalism or removal of items prohibited. No person may vandalize or remove items from a vacant building or the property upon which it is located, including, but not limited to, appliances, fixtures, electrical wiring, copper, or other similar items without the owner's consent.

Section 310:50. Appeal. Any person or responsible party aggrieved by a decision under sections of this chapter may appeal to the City Council. The appeal must be in writing, must specify the grounds for the appeal, and must be submitted to the compliance official within ten (10) business days of the decision that is basis of the appeal.

Section 310:55. Penalties. Any person or responsible party who violates any provision of this section is subject to a misdemeanor penalty and any administrative fees as provided under City code and this section. Imposition of such penalties, however, is not deemed to impair other remedies or civil penalties available to the City under this code or state law.

Section 310:60. Sunset. The regulations of this Section shall be effective until August 1, 2018.