

## REGISTRATION AND REGULATION OF VACANT BUILDINGS

Section 12-1501. POLICY. The purpose of Sections 12-1501 through 12-1511 is to protect the public health, safety, and welfare by establishing a program for the identification and regulation of vacant buildings within the City. Sections 12-1501 through 12-1511 also determine the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with the same.

Section 12-1502. FINDINGS. Vacant buildings are a major cause 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 it does not become a liability to the neighborhood. Vacant buildings often 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. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. 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. There is a substantial cost to the City for monitoring vacant buildings whether or not those buildings are boarded up. This cost should not be borne by the general taxpayers of the community but rather these costs should be borne by those who choose to leave their buildings vacant.

Section 12-1503. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of Sections 12-1501 through 12-1511.

1. Compliance Official – the City Manager and the City Manager’s designated agents authorized to administer and enforce Sections 12-1501 through 12-1511 of this Code.
2. Building – a building or structure designed for business use or human use or occupancy.
3. Owner – those shown to be the owner or owners on the records of the Hennepin County Department of Property Taxation; 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 Sections 12-1501 through 12-1511 of this Code.

4. Responsible party – means an owner, occupant, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property upon which the building is located. Any party having a legal or equitable interest in the property. Responsible party may include, but is not limited to, a realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.
5. Vacant building – a building or structure is vacant if no person or persons actually and currently conducts a lawful business or lawfully resides or lives in any part of the building on a permanent, nontransient basis in accordance with the City’s zoning regulations.

Section 12-1504. VACANT BUILDING REGISTRATION.

1. Application. The owner or responsible party must register a vacant building with the City no later than thirty (30) days after the building becomes vacant. 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, telephone number, and email address, if applicable, of each owner or the owner’s representative;
  - b. The names, addresses, telephone numbers, and email addresses, if applicable, 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, if applicable, of a local agent 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 thirty (30) days of the change.

2. **Property Plan.** The property plan identified in Section 12-1504(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 completed within 30 days after the building is registered.
  - 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 three hundred and sixty-five (365) consecutive days, and the Compliance Official has not approved an alternative schedule in the property plan, the owner must demolish the building and restore the grounds. If the owner does not demolish the building, the City may commence abatement and cost recovery proceedings for the abatement of the violation in accordance with City Code Section 19-105.
3. **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 Section 19-105. 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.
4. **Exemptions.**
  - a. *Fire Damage.* A building that has suffered fire damage is exempt from the registration requirement for a period of ninety (90) days after the date of the fire if the owner submits a request for exemption in writing to the Compliance Official. A request for exemption must be approved by the Code official and include the following information supplied by the owner:
    - i. A description of the premises;
    - ii. The name and address of owner or owners;

- iii. A statement of intent to repair and reoccupy the building in an expeditious manner and the time frame for completion;
    - iv. Actions the owner will take to ensure the property does not become a nuisance for the neighborhood.
  - b. “*Snowbirds.*” Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season and have the intent to return are exempt from the registration requirement. Exemption as a “snowbird” will be granted with proper verification.
- 5. Fees. The owner must pay an annual registration fee. The registration fee will be in an amount adopted by resolution by the City Council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the City in monitoring the vacant building site. The fee must be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.
- 6. Waiver of Fee. The registration fee may be waived if the owner or responsible party has paid all past due registration fees and all other financial obligations and debts owed to the City that are associated with the vacant property and demonstrates, to the satisfaction of the Compliance Official:
  - a. that the property is re-occupied, with the exception of demolition, within a period of time deemed reasonable to the Compliance Official; and either
  - b. that he or she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; or
  - c. that he or she has a plan for the demolition, rehabilitation, or other substantial repair of the vacant building in a period of time that is deemed reasonable to the Compliance Official.
- 7. Assessment. If the registration fee or any portion is not paid within 60 days after billing, or within 60 days after any appeal becomes final, the City Council may certify the unpaid cost against the property in accordance with the process set forth in Section 19-105 of this Code.
- 8. 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, if possible, on a side entrance door that is not generally visible from the public street. If no side entrance door is available, the permit must be securely posted on another available entrance door.

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.

Section 12-1505. CHANGE OF OWNERSHIP. A new owner(s) must register or re-register a vacant building under Section 12-1504 within fifteen (15) days of any transfer of an ownership interest in a vacant building. 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 12-1506. INSPECTIONS. The Compliance Official may inspect any vacant building in the City for the purpose of enforcing and assuring compliance with Sections 12-1501 through 12-1511 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 Chapter 12 of the City Code and all other applicable regulations. All application and reinspection fees must also be paid prior to any reoccupancy of the building. All such fees are set by Resolution of the City Council.

Section 12-1507. MAINTENANCE OF VACANT BUILDINGS. The owner must comply with and address the following items in the property plan, as described in Section 12-1504(2):

1. **Appearance.** All vacant buildings must be so maintained and kept that they appear to be occupied.
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 operable door into every building and into each housing unit. Exterior walls and roofs must remain intact without holes.
  - a. *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) that is painted to match the building exterior or covered with a reflective material such as plexi-glass to simulate windows.
  - b. *Temporary Securing.* Untreated plywood or similar structural panels or temporary construction fencing may be used to secure windows, doors and other openings for a maximum period of 14 days.

- c. *“Artistic” board-up.* With prior approval of the Compliance Official, artistic options may be utilized to secure a vacant building.
    - d. *Emergency securing.* The Compliance Official may take steps to immediately secure a vacant building at his or her discretion in emergency circumstances.
3. Fire Safety.
  - a. *Fire protection systems.* Owners of non-residential vacant buildings must maintain all fire protection systems, appliances and assemblies in operating condition and maintain underwriter laboratories (UL) monitoring of all systems.
  - b. *Removal of hazardous and combustible materials.* The owner of any vacant building, or vacant portion thereof, must remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.
4. Plumbing fixtures. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system must be installed in accordance with applicable Codes and be maintained in sound condition and good repair or removed and the service terminated in the manner prescribed by applicable Codes. The building’s water systems must be protected from freezing.
5. Electrical. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable Codes must be repaired, removed or the electrical services terminated to the building in accordance with applicable Codes.
6. Lighting. All exterior lighting fixtures must be maintained in good repair, and illumination must be provided to the building and all walkways in the same manner as provided at the time the building was last occupied or as otherwise provided in the approved vacant building plan.
7. Heating. Heating facilities or heating equipment in vacant buildings must be removed, rendered inoperable, or maintained in accordance with applicable Codes.
8. Termination of utilities. The Compliance Official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, written notice must be given to the owner. 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.

9. Signage. Obsolete or unused exterior signs and installation hardware must be removed. Holes and penetrations must be properly patched and painted to match the building. Surfaces beneath the signs that do not match the building must be repaired, resurfaced, painted or otherwise altered to be compatible with the building surfaces.

All signs must be maintained in good condition and in compliance with Chapter 34 of this Code. Auction signs or attention-getting devices may be placed on a property for no more than fourteen (14) consecutive days prior to the auction date and must be removed within three (3) days following the auction.

10. Exterior maintenance. The owner must comply with all applicable property maintenance regulations and City Codes including, but not limited to, the following:
  - a. *Public nuisances.* The owner must eliminate any activity on the property that constitutes a public nuisance as defined by Section 19-103 of the City Code.
  - b. *Grass and weeds.* Any weeds or grass must be no greater than six (6) inches in height.
  - c. *Exterior structure maintenance.* The owner must maintain the vacant building in compliance with Sections 12-701 through 12-713 as determined to be necessary by the Code official.
  - d. *Abandoned or junk vehicles.* The owner must remove abandoned and junk vehicles from the property. The City may impound such vehicles consistent with the requirements in Chapter 19 of the City Code.
  - e. *Storage and disposal of refuse.* The storage and disposal of refuse must comply with the requirements of Chapter 7 of the City Code.
  - f. *Animals.* The owner must ensure that all animals are removed from the property and handled in a humane manner.
  - g. *Diseased, dead or hazardous trees.* The owner must remove diseased, dead or hazardous trees or branches from the property in accordance with Chapter 20 of the City Code.
  - h. *Graffiti.* The owner must remove all graffiti from the property in accordance with City Ordinance.
  - i. *Abandoned pools.* Swimming pools must be maintained in good operating condition; treated to prevent pest harborage; or properly drained and emptied. Swimming pools must be secured in accordance with City Code Section 19-1402.
11. Removal of garbage and refuse. The owner of any vacant building, or vacant portion thereof, must remove all garbage, refuse, rubbish, swill, filth, or other materials from the vacant building and the property upon which the building is located.
12. Police protections systems. The owner must properly maintain all alarm systems in any vacant building or portion thereof in operating condition.

13. Loitering, 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.
14. 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.
15. Other Codes. All other City Codes and applicable regulations must be complied with.

Section 12-1508. 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 12-1509. 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 12-1510. APPEAL. Any person or responsible party aggrieved by a decision under Sections 12-1501 through 12-1509 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 City Manager within ten business days of the decision that is basis of the appeal.

Section 12-1511. PENALTIES. Any person or responsible party who violates Sections 12-1501 through 12-1510 is subject to the penalty as provided under Section 12-1205 of this Code. Nothing in Sections 12-1501 through 12-1511, however, is deemed to impair other remedies or civil penalties available to the City under this Code or state law, including, but not limited to, Minnesota Statutes Sections 463.15 through 463.261.