

CHAPTER 18 - VACANT BUILDING REGISTRATION

SECTION 18.01. Purpose and findings.

Subdivision 1. The city council is enacting this section to help protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant buildings within the city. This section also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with same.

Subd. 2. The city council finds that 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. Neglect of vacant buildings, as well as use of vacant buildings by transients and squatters, creates a risk of fire, explosion or flooding for the vacant building and adjacent properties.

Subd. 3. Pursuant to authority provided in Minnesota Statutes, Section 463.26, permitting cities to enact and enforce ordinances on hazardous buildings, and in order to enhance the livability and preserve the tax base and property values of buildings within the city, and because of the need to assure that buildings which are capable of rehabilitation are promptly rehabilitated and buildings which are not capable of rehabilitation be promptly demolished, the city hereby declared that it is the policy of the city to promote rehabilitation of vacant and unoccupied buildings, and to assure a prompt process for demolition of hazardous buildings through a procedure fixing appropriate responsibility in accordance with due process requirements;

Subd. 4. Vacant properties often are used as dumping grounds for junk and debris and often are overgrown with weeds and grass. Vacant buildings that are boarded 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. 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 18.02. Definitions.

For the purposes of this section, the terms defined in this subsection have the meanings given them and shall apply in the interpretation and enforcement of this section.

“Abandoned property” means property that the owner has surrendered, voluntarily relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.

“Compliance official” means the city administrator and the city administrator’s designated agents authorized to administer and enforce this section.

“Building” is any roofed structure used or intended for supporting or sheltering any use or occupancy.

“Property owner” is the owner of record according to St. Louis County property tax records; those identified as 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 section.

“Responsible party” is an owner, 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.

“Vacant building” a building 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 city of Virginia zoning regulations.

SECTION 18.03. Vacant building registration requirement.

Subdivision 1. Application. The owner or responsible party shall register a vacant building with the city no later than 30 days after the building becomes vacant. The registration shall 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 and each 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 e address, if applicable, of a local agent or person responsible for managing or maintaining the property;
- d) The tax parcel identification number and street address of the premises on which the building is situated;
- e) 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 correcting code violations and nuisances, or for demolition of the building;
- f) The status of water, sewer, natural gas and electric utilities.
- g) The owner shall notify the compliance official within 30 days of changes in any of the information supplied as part of the vacant building registration.

Subd. 2. Property plan. The property plan identified above in SECTION 18.03, shall meet the following requirements:

- a) General provisions. The plan shall comply with all applicable regulations and meet the approval of the compliance official. It shall contain a timetable regarding use or demolition of the property. The plan shall be completed within 30 days after the building is registered.
- b) Maintenance of building. The plan shall 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 shall comply with building code provisions and applicable city regulations.
- c) Plan changes. If the property plan or timetable for the vacant building is revised in any way for any purpose, the revisions shall 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 city may declare the building to be a nuisance and direct the owner to demolish the building and restore the grounds. If the owner does not demolish the building and thereby eliminate the nuisance conditions, the city may commence abatement and cost recovery proceedings for the abatement of the violation in accordance with Virginia City Code, Chapter 17, Subsection 17.11 and Minnesota Statutes, section 429.101.

Subd. 3. Non-compliance and notification. If the owner does not comply with the property plan, or maintain or correct nuisance violations, the city may commence abatement and recover its costs for correction of those items in accordance with subsection 425.25 of this code and Minnesota Statutes, section 429.101. In the case of an absent owner and ongoing nuisance issues, the city need not provide notice of each abatement act to the owner. A single notice by the city to the owner is determined to be sufficient notice that it intends to provide ongoing abatement until the owner corrects the violations.

Subd. 4. Exemptions.

a) Fire damage. A building that has suffered fire damage is exempt from the registration requirement for a period of 90 days after the date of the fire if the owner submits a request for exemption in writing to the compliance official. An exemption request for review by the compliance official shall include the following information supplied by the owner:

- 1) A description of the premises;
- 2) The name and address of owner or owners;
- 3) A statement of intent to repair and reoccupy the building in an expeditious manner and the time frame for completion;
- 4) 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. Requests for “snowbird” exemption will be considered annually with proper verification.

Subd. 5. Fees. The owner shall 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 shall be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.

Subd. 6. Waiver of fees. The city may waive the registration fee 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 that:

- a) The property is re-occupied, with the exception of demolition, within a period of time deemed reasonable to the compliance official; and either
- b) The owner or responsible party is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; or
- c) The owner or responsible party 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.

Subd. 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 fees against the property in accordance with Minnesota Statutes, section 429.101.

Subd. 8. Issuance of registration. Upon completion of the registration process and payment of the fee, the city will issue a Vacant Building Registration to the owner. The owner shall securely post the registration on the vacant building on a side entrance door, where possible, that is not generally visible from the public street. If no side entrance door is available, the registration shall be securely posted on another available entrance door.

Subd. 9. Failure to register. 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 18.04. Change of ownership.

Subd. 1. A new owner(s) shall register or re-register a vacant building in accordance with subsection 3 within 15 days of any transfer of an ownership interest in a vacant building.

Subd. 2. The new owner(s) shall comply with the approved property plan and timetable submitted by the previous owner or shall submit any changes proposed to the property plan to the compliance official for review and approval as required by subsection 3 of this section.

Subd. 3. For the purposes of this section, a new owner is an “owner” as defined in subsection 02 who has purchased the vacant building since its registration by the previous owner and has succeeded to all rights of that previous owner.

SECTION 18.05. Inspections.

Subd. 1. The compliance official may inspect any vacant building in the city for the purpose of enforcing and assuring compliance with this section and other applicable regulations.

Subd. 2. Upon the request of the compliance official, an owner or responsible party shall provide access to all interior portions of the building and the exterior of the property in order to complete an inspection.

Subd. 3. If the owner or responsible party is not available, is unresponsive, or refuses 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.

Subd. 4. Prior to any reoccupancy, the owner or responsible party shall request an inspection of the vacant building by the compliance official to determine compliance with Chapter 17 of this code and all other applicable regulations.

Subd. 5. All application and reinspection fees also shall be paid prior to building occupancy.

SECTION 18.06. Maintenance of vacant buildings.

Subdivision 1. The owner shall comply with and address the following items in the property plan, as described in subsection 435.05, subdivision 2:

a) Appearance. All vacant buildings shall be so maintained and kept that they appear to be occupied.

b) Securing. All vacant buildings shall be secured from outside entry by unauthorized persons or pests. Security shall be ensured by normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows shall remain locked. There shall be at least one operable door into every building and into each dwelling unit. Exterior walls and roofs shall remain intact without holes.

1) 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.

2) Temporary securing. Untreated, exterior grade (CDX) plywood or similar structural panels may be used to secure windows, doors and other openings for a maximum period of 90 days. See Appendix A for Boarding Specifications

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

4) Emergency securing. The compliance official may take immediate steps to secure a vacant building at their discretion in emergency circumstances

c) Fire safety.

1) Fire protection systems. Owners of non-residential vacant buildings shall maintain all fire protection systems, appliances and assemblies in operating condition and maintain underwriter laboratories (UL) monitoring of all systems.

2) Removal of hazardous and combustible materials. The owner of any vacant building, or vacant portion thereof, shall remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.

d) Plumbing fixtures. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall 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 shall be protected from freezing.

e) Electrical. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, removed or the electrical services terminated to the building in accordance with applicable codes.

f) Lighting. All exterior lighting fixtures shall be maintained in good repair, and illumination shall 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.

g) Heating. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes.

h) 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, the city will provide written notice 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 their discretion in emergency circumstances and provide subsequent notice to the owner or responsible party.

i) Signs. Obsolete or unused exterior signs and installation hardware shall be removed. Holes and penetrations shall be properly patched and painted to match the building.

Surfaces beneath the signs that do not match the building shall be repaired, resurfaced, painted or otherwise altered to be compatible with the building surfaces. All signs shall be maintained in good condition and comply with the provisions of section 18X of this code.

j) Exterior maintenance. The owner shall comply with all applicable property maintenance regulations and city codes including, but not limited to, the following:

1) Nuisances. The owner shall eliminate any activity on the property that constitutes a nuisance as defined by Chapter 10 and Chapter 17 of this code.

2) Grass and weeds. Any weeds or grass shall be maintained at a height of no greater than six inches and in accordance with Chapter 10 of this code.

j. Exterior structure maintenance. The owner shall maintain the vacant building in compliance with section 17.17 as determined to be necessary by the code official.

l. Abandoned or junk vehicles. The owner shall keep the property free of unlicensed, inoperable, abandoned or junked vehicles as per City Code Section 17.17. The city may cause such vehicles to be removed.

m. Storage and disposal of refuse. The storage and disposal of refuse shall comply with the requirements of section 10.01 of this code.

n. Animals. The owner shall ensure that all animals, including domestic, exotic and feral, are removed from the property and handled in a humane manner as per section 10.10 of this code.

o. Diseased, dead or hazardous trees. The owner shall remove diseased, dead or hazardous trees or branches from the property in accordance with section 17.17 of this code.

p. Graffiti. The owner shall remove all graffiti from the property in accordance with section 17.17 of this code.

q. Abandoned pools. Swimming pools shall be covered and secured to prevent accidental entry, treated to prevent pest harborage, and properly drained and winterized as per Section 17.17 of this code.

r. Removal of garbage and refuse. The owner of any vacant building or vacant portion thereof shall keep the building and property free of all garbage, refuse, litter, rubbish, swill, filth, or other materials identified in section 10.30 and section 11.41 of this code.

s. Police protection systems. All alarm systems in any vacant building or portion thereof shall be maintained in operating condition.

t. Loitering, criminal activities. Loitering or engaging in criminal activities is prohibited in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party shall not allow these activities and shall take immediate actions to eliminate these conditions upon notification by the city or upon discovery.

u. Emergency abatement. The compliance official may authorize immediate abatement of any public nuisance or correction of any maintenance item if the compliance official determines that conditions exist that present an imminent threat to the public health and safety in accordance with section 17.17 of this code.

v. Other codes. The property owner or responsible party shall comply with all other city codes and applicable regulations.

SECTION 18.07 No occupancy or trespass.

No person may trespass, occupy or reside, on a temporary or permanent basis, in any vacant building, registered or not, without the owner's consent.

SECTION 18.08 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 18.09 Appeal.

Any person or responsible party aggrieved by a decision rendered under this section may appeal to the city council. The appeal shall be made in writing, shall specify the grounds for the appeal, and shall be submitted to the City Administrator within ten business days of the decision that is basis of the appeal.

SECTION 18.10 Penalties.

Any person or responsible party who violates the provisions of this section is subject to penalty as provided under section 17.07 of this code. Nothing in this section, 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.