

**CITY OF ST. MICHAEL
WRIGHT COUNTY, MINNESOTA
ORDINANCE NO. 1105**

**AN ORDINANCE AMENDING THE ST. MICHAEL CODE REQUIRING
REGISTRATION OF VACANT BUILDINGS**

The City Council of the City of St. Michael hereby ORDAINS:

SECTION 1. TITLE IX: GENERAL REGULATIONS of the City Code is hereby amended by adding Chapter 98 which shall read as follows:

98. REGISTRATION OF VACANT BUILDINGS.

Section

- 98.01 Purpose and findings
- 98.02 Definitions
- 98.03 Registration
- 98.04 Vacant building registration fee
- 98.05 City action
- 98.06 Certification of unpaid service charges
- 98.07 Penalty for failure to register
- 98.08 Appeal

- 98.09 Penalty

§ 98.01 PURPOSE AND FINDINGS.

(A) The City Council is enacting this chapter to help protect the public health, safety and welfare by establishing a program for the identification and registration of vacant buildings within the city. This chapter also impose certain responsibilities on owners of vacant buildings and provides for administration, enforcement, and penalties associated with the same.

(B) 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. 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 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.

§ 98.02 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. Any roofed structure used or intended for supporting or sheltering any use or occupancy.

CITY. The City of St. Michael, Minnesota.

DANGEROUS BUILDING. A building that is potentially hazardous to persons or property, including, but not limited to:

- 1) a building that is in danger of partial or complete collapse;
- 2) a building with any exterior parts that are loose or in danger of falling; or
- 3) a building with any parts, such as floors, porches, railings, ramps, balconies, or roofs, that are accessible and that are either collapsed, or in danger of collapsing, or unable to support the weight of normally imposed loads.

OWNER OR PROPERTY OWNER. The owner of record according to Wright 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 mortgagor or vendee in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, other person, firm, corporation or other entity or organization in control of the freehold of the premises or lesser estate therein. An owner also means any person, partnership, association, corporation, limited liability company 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, limited liability company, 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. 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; and any party having a legal or equitable interest in the property. Responsible party may include but is not limited to a realtor, service provider, mortgagee, leasing agent, management company or similar person or entity.

SECURED BY OTHER THAN NORMAL MEANS. A building secured by means other than those used in the design of the building.

UNSECURED BUILDING. A building or portion of building that is open to entry by unauthorized persons without the use of tools.

UNOCCUPIED BUILDING. A building which is not being used for a legal occupancy.

VACANT BUILDING. A building or portion of building that is unoccupied and meets one or more of the following conditions:

- 1) Unoccupied and in any phase of an active foreclosure proceeding under Minnesota Statutes;
- 2) Unoccupied or unsecured for five consecutive days or more;
- 3) Unoccupied and secured by other than normal means for 15 consecutive days or more;
- 4) Unoccupied and a dangerous building;
- 5) Unoccupied and posted for no occupancy or unfit for human habitation;
- 6) Unoccupied and has city code violation(s) existing for five days or more; or
- 7) Condemned and illegally occupied.

Vacant building does not mean any building being constructed pursuant to a valid, unexpired building permit issued pursuant to city building code regulations.

§ 98.03 VACANT BUILDING REGISTRATION.

(A) Registration.

(1) The owner of a vacant building shall register the building with the city no later than **seven days** after the building becomes a vacant building as defined in this chapter.

(2) The city may register an unoccupied building as a vacant building when the city takes ordinance enforcement action or action to abate an ordinance violation against the owner of an unoccupied building or the grounds upon which it is located. In such case, the city shall complete all forms required by this chapter and may special assess all registration costs against such property.

(B) Application. Registration shall be completed by the owner or responsible party on forms provided by the city. Such completed registration may be sent to the owner and all other parties holding an ownership or security interest in the property, if requested. Registration information shall include the following:

(1) The name, address, telephone number and email address, if applicable, of each owner and each owner's representative;

(2) The names, addresses, telephone numbers and email addresses, if applicable, of all known lien holders and other parties with any legal interest in the building;

(3) The name, address, telephone number and email address, if applicable, of a local agent or person responsible for managing or maintaining the property upon which the building is situated;

(4) The tax parcel identification number and street address of the property on which the building is situated;

(5) The date the building became vacant and the period of time the building is expected to remain vacant;

(6) The status of water, sewer, natural gas and electric utilities; and

(7) 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.

(C) *Registration changes.* The owner, or responsible party, shall notify the city within seven days of changes in any of the information supplied as part of the vacant building registration.

(D) *Property plan.* The property plan, identified above in § 98.03(B)(7) shall meet the following requirements:

(1) *General provisions.* The plan shall comply with all applicable regulations and meet the approval of the Building Official. It shall contain a timetable regarding use or demolition of the building. The plan shall be completed within 10 working days after the building is registered.

(2) *Maintenance of building/grounds.* 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 building shall comply with building code provisions and applicable city regulations. The owner, or responsible party, shall keep the vacant building secured and safe, and the building grounds maintained.

(3) *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 Building Official.

(4) *Disconnect of Utilities.* The owner, or responsible party, of a vacant building shall disconnect utilities to the vacant building when required by the Building Official.

(E) *Access.* The owner, or responsible party, of a vacant building must allow the city access for inspections. The city will provide the owner, or responsible party, with a five day notice for any inspection request except where a hazardous or unsafe condition exists, in which

case the city may access the vacant building for inspection purposes after making a reasonable effort to contact the owner, or responsible party, via telephone.

§ 98.04 VACANT BUILDING REGISTRATION FEE

(A) The owner of a vacant building shall pay an annual registration fee of \$100.00. Said fee may be modified by City Council resolution from time to time. Subsequent annual fees shall be paid on the anniversary of the initial registration. This fee is imposed to defray the cost of registering and monitoring the vacant building.

(B) The first annual fee shall be paid no later than 10 days after the building has become a vacant building as defined by this chapter.

§ 98.05 CITY ACTION

The city may take the following actions in relation to a vacant building. The building owner shall reimburse the city for all costs incurred by the city pursuant to this chapter.

(A) The city may shut off water service to the vacant building, unless the owner can show good cause why water service should remain on.

(B) The city may inspect the the vacant building and the property upon which it is situated each month.

(C) The city may take any other action required to secure the building.

(D) The city may mow the lawn, landscape or grounds of any property upon which a vacant building is situated as needed if the plant growth violates city ordinances and the owner fails to timely maintain the plant growth on the property in accordance with city ordinances.

(E) The city may plow sidewalks and driveways located on any property upon which the vacant building is situated, remove garbage from the property, and take any other actions authorized by law to remedy an ordinance violation.

(F) The city may conduct site inspections of the property upon which the vacant building is located as needed to insure that the building is secure, the grounds are maintained and compliance with the terms of this ordinance is achieved.

§ 98.06 CERTIFICATION OF UNPAID SERVICE CHARGES

In the event the owner of a vacant building fails to reimburse the city within 30 days of mailing of a bill by the city for costs incurred by the city pursuant to enforcement of this ordinance against the owner of property upon which a vacant building is situated, or in the event the vacant building owner fails to pay the registration fee required by this ordinance, the city may certify such unpaid charges to the County Auditor for collection with the next year's

property taxes after 10 days mailed notice to the property owner sent via first class U.S. Mail to the owner's address as listed on the tax records at the Wright County Recorder's Office.

§ 98.07 ADMINISTRATIVE ENFORCEMENT FOR FAILURE TO REGISTER

Any owner who fails to register a vacant building under this section or who provides inaccurate or false information shall face an administrative fine of \$100.00 for each month that the vacant building remains unregistered.


§ 98.08 APPEAL BY OWNER

Any owner of a vacant building who believes that an order or penalty issued under this chapter is based on an erroneous interpretation of this chapter or a misstatement of facts may appeal to the City Council. Such appeal must be in writing and must specify the grounds for the appeal. Any appeal must be filed within 10 days of the action taken with which the owner disagrees.


§ 98.09 PENALTY A violation of this chapter shall subject the violator to the penalty provisions set forth in section 10.99 (A) of this Code.

SECTION 2. This Ordinance shall take effect upon its passage and publication according to law.

CITY OF ST. MICHAEL, MINNESOTA

By: 
Mayor

ATTEST:

By: 
City Clerk