

BILL NO. 2011-11

AN ORDINANCE AMENDING THE CITY CODE PERTAINING TO PUBLIC NUISANCES CAUSED BY VACANT OR ABANDONED BUILDINGS AND PROVIDING AUTHORITY TO REGISTER, MONITOR, ABATE, ASSESS, AND CLOSE VACANT OR ABANDONED BUILDINGS IN THE CITY OF RICHFIELD

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Section 925 of the Richfield City Code is amended by adding the following new subsection:

925.02. Registration and Regulation of Vacant Buildings. Subdivision 1. Policy. The purpose of this subsection is to protect the public health, safety, and welfare by establishing a program for the identification and regulation of vacant buildings within the City. Subsection 925.02 also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with the same.

Subd. 2. Findings.

(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.

(f) Owners of multiple vacant properties within the city that allow code violations, criminal activity, or other activity or conditions that create a public nuisance upon their vacant properties to continue for extended periods contribute to blight and neighborhood decline in a much greater manner than a single property owner. Therefore, owners of multiple properties who fail to maintain their properties and correct violations, criminal activity or public nuisances on their vacant properties shall be subject to imposition of higher administrative penalties in order to encourage these owners to correct violations in a prompt manner.

Subd. 3. Adoption of State Law. Minnesota State Statute 463.251, in its entirety, and any future amendments to said statute are adopted by reference.

Subd. 4. Definitions. The following definitions shall apply in the interpretation and enforcement of this subsection:

(a) Compliance Official – means the City Manager or the manager's designee.

(b) Building – means a building or structure designed for business use or human use or occupancy.

(c) Owner – means 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 this subsection.

(d) 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.

(e) Vacant building – means a building or structure in which 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, non-transient basis in accordance with city code; or, is occupied by unauthorized persons for any amount of time.

(f) Premises – means any real property and any appurtenant building or structure.

(g) Dwelling – means the building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling may be a part of a multi-dwelling or multi-purpose building, or a manufactured home as defined in this code or State Statutes.

Subd. 5. Vacant Building Registration.

(a) Application: The owner or responsible party must register a vacant building with the City no later than ninety (90) 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:

- (1) The name, address, telephone number, and email address, if applicable, of each owner or the owner's representative;
- (2) 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;
- (3) The name, address, telephone number, and email address of a local agent, maintenance company, or person responsible for managing or maintaining the property;
- (4) The legal description, tax parcel identification number, and street address of the premises on which the building is situated;
- (5) A description of the premises, including the common address of the property;
- (6) 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;

- (7) The status of water, sewer, natural gas and electric utilities;
- (8) The owner must notify the compliance official of any changes in information supplied as part of the vacant building registration within fifteen (15) days of any change.

(b) Property Plan: The property plan identified in subsection 925.02, subd. 5(a)(6) must meet the following requirements:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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 and State Statutes.

(c) 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.

(d) Exemption for snow-birds: neighborhood. Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season in excess of ninety (90) sequential calendar days, and have the intent to return within one hundred eighty (180) days, are exempt from the registration requirement as follows. Exemption as a "snowbird" will be granted with proper verification and a local agent contact or a no fee vacant building registration form with applicable contact information provided to the City.

(e) 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.

(f) 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:

- (1) that the property is re-occupied, with the exception of demolition, within a period of time deemed reasonable to the compliance official; and either
- (2) that he or she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; or
- (3) 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.

(g) 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 this code.

(h) 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. 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.

Subd. 6. Change of Ownership. A new owner(s) must register or re-register a vacant building 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.

Subd. 7. 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. All application and re-inspection fees must also be paid prior to any re-occupancy of the building. All such fees are set by Resolution of the City Council.

Subd. 8. Maintenance of Vacant Buildings. The owner must comply with and address the following items in the property plan:

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

(b) 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. 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.

- (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 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.
- (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 steps to immediately secure a vacant building at his or her discretion in emergency circumstances.

(c) Fire Safety: Owners of vacant buildings must comply with the Minnesota State Fire Code

(d) 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.

(e) 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.

(f) 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 (unless electrical utilities have been terminated under subsection 5 or 8 of this section) or as otherwise provided in the approved vacant building plan.

(g) Heating: Heating facilities or heating equipment in vacant buildings must 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,

written notice must be given to the owner if possible, or posted directly at the property, unless an imminent hazard exists because of the utility. 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.

(i) 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 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.

(j) Exterior maintenance: The owner must comply with all applicable property maintenance regulations and City codes including, but not limited to, the following:

- (1) Public nuisances - The owner must eliminate any activity on the property that constitutes a public nuisance as defined by City code.
- (2) Grass and weeds - Any weeds or grass must be no greater than six (6) inches in height.
- (3) Exterior structure maintenance - The owner must maintain the vacant building in compliance with City code and building codes as determined to be necessary by the code official.
- (4) 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 of the City code.
- (5) Storage and disposal of refuse - The storage and disposal of refuse must comply with the requirements of the City code.
- (6) Animals - The owner must ensure that all animals are removed from the property and handled in a humane manner.

- (7) Diseased, dead or hazardous trees - The owner must remove diseased, dead or hazardous trees or branches from the property in accordance with the City code.
- (8) Graffiti - The owner must remove all graffiti from the property in accordance with City code.
- (9) Abandoned pools - Swimming pools must be maintained, drained, emptied, and/or secured in accordance with City code.

(k) 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.

(l) 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.

(m) 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.

(n) 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.

(o) Other Codes. A plan for compliance with all applicable provisions of City code and other applicable regulations.

Subd. 9. 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.

Subd. 10. 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.

Subd. 11. 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 Public Safety Director within ten business days of the decision that is basis of the appeal.

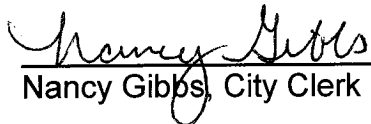
Subd. 12. Penalties. Any person or responsible party who violates any provision of this subsection is subject to a misdemeanor penalty and any administrative fees as provided under City code and this subsection. Imposition of such penalties, however, is not deemed to impair other remedies or civil penalties available to the City under this code or state law.

Section 2. This ordinance shall be effective as provided in Section 3.09 of the Richfield City Charter.

Adopted this 22nd day of March, 2011.

By: 
Debbie Goettel, Mayor

ATTEST:


Nancy Gibbs, City Clerk