

**CITY OF ALBERTVILLE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

ORDINANCE NO. 2009-021

**AN ORDINANCE REQUIRING
REGISTRATION OF VACANT BUILDINGS**

The City Council of the City of Albertville, Minnesota hereby ordains:

1. Title 8 of the 2005 Albertville Municipal City Code is hereby amended to add Chapter 10, which reads as follows:

8-10-1 VACANT BUILDING REGISTRATION

- A. Purpose: The purpose of this ordinance is to protect the public health, safety and welfare, by establishing a program to identify and register vacant buildings and by determining what actions the City will take and what actions the owners of the buildings must take.
- B. Findings: The city council finds that buildings which remain vacant and unoccupied for any significant period of time become an attractive nuisance to children, a harborage for rodents, an invitation as a temporary abode, an increased fire hazard, an increased risk of explosion due to the theft of internal piping, and that the unkempt grounds surrounding such property invite the dumping of garbage and rubbish thereon; that such buildings are often permitted to become dilapidated; that such buildings contribute to the growth of blight within the city, depress market values of surrounding properties to the detriment of the various taxing districts and require additional governmental services; that the use and maintenance of property in such condition and manner endangers the public safety and health, constitutes an unreasonable use and condition to the annoyance, discomfort and repose of a considerable number of the public, is detrimental to the public good and to the common welfare; and renders a considerable number of the public insecure in the use and enjoyment of their property, and thus may constitute a nuisance condition. Adequate protection of public health, safety and welfare, therefore, requires the establishment and enforcement of the means by which such nuisance conditions may be abated.
- C. Definitions
 1. Dangerous structure: means a structure that is potentially hazardous to persons or property, including, but not limited to: (a) a structure that is in danger of partial or complete collapse; (b) a structure with any exterior parts that are loose or in danger of falling; or (c) a structure 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.

2. Secured by other than normal means: refers to a building secured by means other than those used in the design of the building.
3. Unoccupied: means a building which is not being used for a legal occupancy
4. Unsecured: means a building or portion of a building that is open to entry by unauthorized persons without the use of tools.
5. Vacant building: means a building or portion of a building that is:
 - a. Unoccupied and unsecured for five (5) days or more;
 - b. Unoccupied and secured by other than normal means for fifteen days or more;
 - c. Unoccupied and in any phase of an active foreclosure proceeding under Minnesota Statutes;
 - d. Unoccupied and a dangerous structure;
 - e. Unoccupied and posted for no occupancy or unfit for human habitation;
 - f. Unoccupied and has a City code violation existing for five days or more; or
 - g. Condemned and illegally occupied;
 - h. Vacant building does not mean any building being constructed pursuant to a valid, unexpired building permit issued pursuant to City building code regulations.

D. Registration

1. The owner of a vacant building shall register the building with the City no later than seven (7) days after the building becomes a vacant building as defined in this article.
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 unoccupied building or the grounds upon which it is located. In such case, the City shall complete all forms required by this subdivision and may special assess all registration costs against such property.
3. A registration shall be completed on a form 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. The completed form shall include the following:
 - a. A description of the premises including address.
 - b. The names and addresses of the owners of the property.
 - c. The names and addresses of all known lien holders.
 - d. The period of time the building is expected to remain vacant.
 - e. A plan or timetable for returning the building to appropriate occupancy.

4. The owner shall notify the City in writing of any changes in the information supplied as part of the vacant building registration within seven (7) days of such change.
5. The owner of the building shall keep the vacant building secured and safe and the building grounds maintained.
6. The owner shall disconnect utilities to the vacant building when required by the City Building Official.
7. Any new owner of a vacant building as defined by this section must notify the City in writing of the change of ownership within seven (7) days of the change of ownership.
8. The owner of a vacant building must allow the City access for inspections. The City will provide the owner with five (5) days 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 via telephone.

E. Vacant Building Registration Fee.

1. 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 costs of registering and monitoring the vacant building.
2. The first annual fee shall be paid no later than ten days after the building has become a vacant building as defined by this section.

F. 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 section.

1. The City may shut off water service to the vacant building, unless the owner can show good cause why water service should remain on.
2. The City may inspect the premises of the vacant building each month.
3. The City may take any other action required to secure the building. Any additional costs shall be charged back to the owner of the property.
4. The City may mow the lawn, landscape or grounds of any vacant building as needed if the plant growth violates City ordinance and the owner fails to timely cut the lawn. The owner shall pay the City for mowing the lawn at the City's standard billing rate.

5. The City may plow sidewalks and driveways located on the vacant property, remove garbage from the vacant property, and take any other actions authorized by law to remedy an ordinance violation.
 6. 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.
- G. Certification of Unpaid Service Charges. In the event the building owner 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 a vacant property, or in the event the 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 ten 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.
- H. Penalty: 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 building remains unregistered.
- I. Appeal: Any owner of a vacant building who believes that an order or penalty issued under this article is based on an erroneous interpretation of this article 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 ten (10) days of the action taken with which the owner disagrees.

This Amendment shall be in full force and effective immediately following its passage and publication.

Passed by the council this 21st day of September, 2009.

Ron Klecker, Mayor

Bridget Miller, City Clerk