

Chapter 380 – Securing and Registration of Vacant Buildings

380.01 Definitions. For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

City: The City of Princeton, State of Minnesota.

Neighborhood Association: An organization recognized by the City as representing a neighborhood within the City.

Owner of Record: The fee owner, contract for deed vendee, mortgagee in foreclosure, holder of a sheriff's certificate, and taxpayer as shown on the real property records of Mille Lacs or Sherburne County, or the authorized agent of any of the preceding persons.

Secure: Includes, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system consistent with Minn. Stat. § 463.251.

Unoccupied Building: A building or portion of a building which is not being used by a person entitled to legal occupancy.

Unsecured building: A building or a portion of a building that is open to entry by unauthorized persons without the use of tools or ladders.

Vacant building: A building or a portion of a building that is unoccupied and meets one or more of the following conditions:

- (1) Records of the Mille Lacs or Sherburne County Recorder show the property is in lien foreclosure;
- (2) Windows or entrances to the property are boarded up or closed off, or multiple doors or window are broken and unrepaired;
- (3) Doors to the property are damaged, smashed through, caved in, broken off, unhinged, or continuously unlocked;
- (4) The property is without gas, electric, or water service;
- (5) Rubbish, trash, putrescible materials or debris has accumulated on the property;
- (6) Law enforcement agencies have received at least two reports of trespass, vandalism or other illegal acts being committed on the property within 12 months;
- (7) The yards on the property exhibit grass, lawn, weeds, and other vegetation which are not maintained to the standards prevailing in the neighborhood.

380.02 Securing Vacant Buildings. Any building which becomes unsecured or vacant may be

deemed hazardous. If the hazardous condition could be abated by securing the building, the City Council may order the building secured and shall cause notice of the order to be served by United States Mail on the record owner at its last known address and upon any neighborhood association consistent with Minn. Stat. § 463.251, Subd. 2. The notice must be in writing and must include, at a minimum, a statement that:

- (A) Informs the owner of record that it has 12 days to secure the building or provide the council with a reasonable plan and schedule to comply with the order and that costs may be assessed against the property if the person does not secure the building.
- (B) Provides the owner of record with a copy of Minn. Stat. § 582.031 (right of entry by holder of mortgage or sheriff's certificate to protect the premises from waste and trespass).

Service by mail is completed upon mailing.

380.03 Emergency Securing of Vacant Buildings. Pursuant to MN Statute § 463.251, Subd. 4, when the City Council or the Council's authorized representative determines that a vacant or unsecured building poses an immediate threat to the health or safety of persons in the community and the immediate securing of a building is required to protect health and safety, all notice requirements herein are waived and the building may be secured by the City, provided that:

- (A) The conditions showing the existence of an immediate threat are documented in a written report.
- (B) A copy of the written report and the City action taken are mailed immediately to the owner of record and any neighborhood association.

380.04 Collection of Costs. All costs incurred by the City for securing a vacant building under this Ordinance may be charged against the real property as a special assessment pursuant to Minn. Stat. §§ 463.251, 463.21 and 463.151.

380.05 Registration of Vacant Buildings. The owner of record of a vacant building shall register such structure with the City's Development Director no later than thirty (30) days after the building becomes a vacant building, as defined in this Ordinance. The registration of vacant building shall be submitted on forms provided by the City, and shall contain, at a minimum, the following:

- (A) The legal description and property address of the vacant building.
- (B) The names and addresses of all owners of the vacant building.
- (C) The names and addresses of all known lien holders and mortgagees of the vacant building.
- (D) The period of time which the building is expected to remain vacant.
- (E) A plan and timetable for returning the building to appropriate occupancy and/or making the structure compliant with all City Ordinances or for demolition of the building.

The plan must be approved by the City Development Director and shall require completion of the plan within a reasonable period of time not to exceed three hundred sixty-five (365) days. Such plan shall include all conditions that are to be corrected, the estimated value of the project(s) required to complete the plan and a plan for continued care and upkeep of the property consistent with this Ordinance.

- (F) Other information deemed necessary by the City to process the registration.

380.06 Continuing Requirements of Registered Vacant Buildings. The owner of record shall comply with all applicable state laws and City Ordinances and shall notify the City's Development Director of any changes in the information supplied as part of the vacant building registration, within thirty (30) days of the change. Any change in the vacant building registration must be approved by the City's Development Director. The following additional requirements shall apply:

- (A) The owner of record shall keep the vacant building secured and shall keep the building and grounds maintained until the rehabilitation or demolition of the building has been completed. Residential vacant buildings shall not be used for storage.
- (B) Failure of the owner of record to maintain the vacant building and grounds such that abatement of violations by the City is required, shall be grounds for revocation of the vacant building registration plan and the owner of record shall be subject to any applicable penalties provided by law.
- (C) In the event of a sale of the building or grounds by the owner of record to a purchaser, the purchaser shall re-register the vacant building with the City's Development Director within thirty (30) days of the transfer of ownership or interest in the vacant building. The new owner of record shall comply with the approved vacant building registration plan and timetable unless any proposed changes in the plan are submitted to and approved by the City's Development Director.

380.07 Vacant Building Registration Fees. The owner of a vacant building shall pay an annual registration fee as established by the City Council. This fee is imposed to defray the administrative costs for registering and processing the vacant building registration form and the costs of the City in monitoring the vacant building site.

- (A) The first annual registration fee shall be paid no later than thirty (30) days after the building becomes vacant. Subsequent annual registration fees shall be due on the anniversary date of initial vacancy.
- (B) The registration fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

380.08 Inspections. The record owner shall provide access to all portions of a vacant building for inspection by City employees for the purpose of enforcing and assuring compliance with the provisions of this Ordinance.

380.09 Right of Appeal. Any owner of record who is aggrieved by a decision or order of the De-

velopment Director may appeal to the City Council. Such appeal must be in writing on forms provided by the City, must specify the grounds for the appeal, and must be accompanied by a filing fee in an amount determined by the City Council. The appeal must be submitted to the City Clerk by personal service or United States mail within thirty (30) days from the date of the decision or order from which the appeal is taken.

380.10 Severability. If any provision of this Ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

380.99 Penalties. Any person violating any provision of this Ordinance, or providing false information to the City in connection with a vacant building registration shall, upon conviction therefore, be punished as provided in the penalty section of this Ordinance.