

CHAPTER 96: VACANT BUILDINGS

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§ 96.01 PURPOSE AND FINDINGS

(A) The purpose of this chapter is to protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant buildings within the city. This chapter also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with 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 maintain and manage the building to ensure it does not become a liability to the neighborhood. Vacant buildings often attract transients, trespassers and criminals. Neglect of vacant buildings and the 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 frequently are overgrown with weeds and tall grass. Vacant buildings that are boarded to prevent entry by transients and other long-term vacancies are unsightly, discourage economic development and inhibit the increase of property values. There is a substantial cost to the city in monitoring vacant buildings regardless of whether they are boarded. This cost should not be borne by the general taxpayers but should be borne by those who choose to leave their buildings vacant.

(Ord. 08-2010, passed 12-13-2010)

§ 96.02 DEFINITIONS

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

ABANDONED PROPERTY. Any property that the owner has surrendered, relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.

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

COMPLIANCE OFFICIAL. The City Administrator or the City Administrator's designee authorized to administer and enforce this section.

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 mortgagee or vendee in possession; a mortgagor or vendor in possession; an assignee of rents; or a receiver, executor, trustee, lessee, other person, firm or corporation in control of the freehold of the premises or lesser estate therein. **OWNER** also means any person, partnership, association, corporation or fiduciary having legal or equitable title or any interest in the property or building, including 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. 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 or any party having a legal or equitable interest in the property, including but not limited to, a realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.

VACANT BUILDING. A building in which no person actually and currently conducts a lawful business or lawfully resides or lives on a permanent, non-transient basis in accordance with city zoning regulations.

(Ord. 08-2010, passed 12-13-2010)

§ 96.03 VACANT BUILDING REGISTRATION**(A) Application.**

- (1) 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 of each owner and each owner's representative;
- (b) The tax parcel identification number and street address of the premises on which the building is situated;
- (c) The names, addresses, telephone numbers and email addresses of all known lien holders and all other parties with any legal interest in the building;
- (d) The name, address, telephone number and email address of a local agent or person responsible for managing or maintaining the property;
- (e) The status of water, sewer, natural gas and electric utilities; and
- (f) 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.

(2) 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 and shall continue to do so on an ongoing basis during vacancy.

(B) *Property plan.* The property plan identified above in division (A)(1)(f) above shall meet the following requirements:

- (1) *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.
- (2) *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.
- (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 Compliance Official.
- (4) *Demolition required.* If a building has remained vacant for a period of 365 consecutive days or more, 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 Chapter 95 of this code and M.S. § 429.101, as it may be amended from time to time.

(C) *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 Chapter 95 of this code and M.S. § 429.101, as it may be amended from time to time. 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.

(D) *Exemptions.*

(1) *Casualty damage.* A building that has suffered casualty damage is exempt from the registration requirement for a period of 90 days after the date of the casualty event 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:

- (a) A description of the premises;
- (b) The name and address of owner or owners;
- (c) A statement of intent to repair and reoccupy the building in an expeditious manner and the time frame for completion; and
- (d) Actions the owner will take to ensure the property does not become a nuisance.

(2) *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.

(E) *Fees.* The owner shall pay an annual registration fee. The registration fee will be in an amount adopted by ordinance 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.

(F) *Assessment.* If the registration fee or any portion thereof 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 M.S. § 429.101, as it may be amended from time to time.

(G) *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.

(H) *Failure to register.* If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be registered administratively as a vacant property and the registration fee shall be assessed against the property.

(Ord. 08-2010, passed 12-13-2010)

§ 96.04 CHANGE OF OWNERSHIP

A new owner shall register or re-register a vacant building in accordance with § 96.03 within 15 days of any transfer of an ownership interest in a vacant building. The new owner shall comply with the approved property plan and timetable submitted by the previous owner or shall submit a revised or amended property plan to the Compliance Official for review and approval. For the purposes of this section, the new owner is an **OWNER** as defined in § 96.02 if the new owner has purchased the vacant building since its registration by the previous owner or has otherwise succeeded to all rights of the previous owner.

(Ord. 08-2010, passed 12-13-2010)

§ 96.05 INSPECTIONS

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. 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. 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. Prior to any re-occupancy, the owner or responsible party shall request an inspection of the vacant building by the Compliance Official to determine compliance with this chapter and all other applicable regulations. All application and re-inspection fees also shall be paid prior to building occupancy.

(Ord. 08-2010, passed 12-13-2010)

§ 96.06 MAINTENANCE OF VACANT BUILDINGS

The owner shall comply with and address the following items in the property plan, as described in § 96.03(B):

(A) *Appearance.* All vacant buildings shall be maintained and kept so 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

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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 plexiglass 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.

(3) *Emergency securing.* The Compliance Official may take immediate steps to secure a vacant building at his or her 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 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 as provided in city Code of Ordinances. 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 and provide subsequent notice to the owner or responsible party.

(I) *Signs.* On non-residential properties, 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 remaining on the property shall be maintained in good condition and comply with the provisions 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 this code or state statute.

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

(3) *Exterior structure maintenance.* The owner shall maintain the vacant building in a manner so that it does not constitute a nuisance or as otherwise determined to be necessary by the Code Official to protect public health and safety.

(4) *Abandoned or junk vehicles.* The owner shall keep the property free of unlicensed, inoperable, abandoned or junk vehicles. The city may cause such vehicles to be removed.

(5) *Storage and disposal of refuse.* The storage and disposal of refuse shall comply with the requirements of this code.

(6) *Animals.* The owner shall ensure that all animals, including domestic, exotic and feral, are removed from the property and handled in a humane manner.

(7) *Diseased, dead or hazardous trees.* The owner shall remove diseased, dead or hazardous trees or branches from the property in accordance with this code.

(8) *Graffiti.* The owner shall keep the property free from graffiti.

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(9) *Abandoned pools.* Swimming pools shall be covered and secured to prevent accidental entry, treated to prevent pest harborage, and properly drained and winterized.

(K) *Removal of garbage and refuse.* The owner of any vacant building shall keep the building and property free of all garbage, refuse, litter, rubbish, swill, film, or other materials identified in this code.

(L) *Police protection systems.* All alarm systems in any vacant building or portion thereof shall be maintained in operating condition.

(M) *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.

(N) *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 Chapter 95 of this code.

(O) *Other codes.* The property owner or responsible party shall comply with all other city codes and applicable regulations.

(Ord.08-2010, passed 12-13-2010)

§ 96.07 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.

(Ord. 08-2010, passed 12-13-2010)

§ 96.08 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.

(Ord. 08-2010, passed 12-13-2010)

§ 96.09 APPEAL

Any person or responsible party aggrieved by a decision rendered under this chapter by the Compliance Official may appeal to the City Council. The appeal shall made be 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.

(Ord. 08-2010, passed 12-13-2010)

§ 96.99 PENALTY

Any person or responsible party who violates the provisions of this chapter is guilty of a misdemeanor. Nothing in this section, however, is deemed to limit other remedies or civil penalties available to the city under this code or state law, including but not limited to, M.S. §§ 429.101 and 463.15 through 463.261, as they may be amended from time to time.

(Ord. 08-2010, passed 12-13-2010)

