

Section 310 – Vacant Building Registration

Section 310:00. Purpose and Policy. The purpose of Section 310 is to protect the public health, safety, and welfare by establishing a program for the identification and regulation of vacant buildings within the City. Section 310 also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with the same.

Section 310:05. Findings of the City Council. The City Council makes the following findings regarding vacant buildings within the City of St. Cloud:

- (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.

Section 310:10. Definitions. The following definitions shall apply in the interpretation and enforcement of this subsection:

Subd. 1. *Compliance Official*. The Health Director or the Health Director's designee.

Subd. 2. *Owner*. Those shown to be the owner or owners on city or county records; 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.

Subd. 3. *Premises*. Any real property and any appurtenant building or structure.

Subd. 4. *Responsible party*. An owner, legal occupant or an entity or person acting as an agent for an owner by agreement, which has authority over the real property or is responsible for the property's maintenance or management. Irrespective of any arrangement to the contrary with any other party, each property owner shall always be a responsible party for the purposes of this section. There may be more than one responsible party for a particular property.

Subd. 5. *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.

Subd. 6. *Unoccupied building*. A building which is not being used for a legal occupancy.

Subd. 7. *Unsecured building*. A building or portion of a building that is open to entry by unauthorized persons without the use of tools.

Subd. 8. *Vacant building*. A building or portion of a building that meets one or more of the following conditions:

- (a) Unoccupied and foreclosed upon; or
- (b) Unoccupied and has delinquent fees or taxes owed to the city; or
- (c) Unoccupied and the Police Department or Health & Inspections Department has received at least two reports of trespassers on the premises, or of vandalism or other illegal acts being committed on the premises; or
- (d) Unoccupied and the premises has accumulated three or more property related violations within a 12-month period; or
- (e) Unoccupied and the premises has had multiple property related violations existing for 30-days or more after issuance of a notice of violation; or
- (f) Unoccupied and the premises is posted as unsafe to occupy.

Section 310:15. Vacant building registration.

Subd. 1. Application. The owner or responsible party must register a vacant building with the City no later than 90 days after the building becomes vacant. Registration is

valid for a 12-month period following application. The registration must be submitted on a form provided by the City and shall include the following information supplied by the owner:

- (a) The name, address, and telephone number of each owner or the owner's representative;
- (b) The names, addresses, and telephone numbers of all known lien holders and all other parties with any legal interest in the building;
- (c) The name, address, telephone number, and email address of a local agent, maintenance company, or person responsible for managing or maintaining the property;
- (d) The legal description, tax parcel identification number, and street address of the premises on which the building is situated;
- (e) A description of the premises, including the common address of the property;
- (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 for correcting code violations and nuisances, or for demolition of the building;
- (g) The status of water, sewer, natural gas and electric utilities;
- (h) The owner must notify the compliance official of any changes in information supplied as part of the vacant building registration within 15 days of any change;
- (i) 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.
- (j) Evidence of liability insurance in an amount not less than \$300,000 covering damage to any person or any property caused by any physical condition of or in the building.

Subd. 2. Fees. The owner must pay an annual registration fee. The registration fee will be in an amount adopted by the City Council. The fee must be paid in full prior to the issuance of any licenses.

Subd. 3. Assessment. The amount of unpaid fees will be recovered by assessing the registration fee against the real property upon which the registration was required and to certify the same for collection in the same manner as taxes and special assessments are certified and a debt owed to the city by the responsible person or persons.

Subd. 4. 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 on that vacant building.

Section 310:20. Property Plan.

Subd. 1. Plan Requirements. The property plan identified in section 310:15, Subd. 1(f) must meet the following requirements:

- (a) 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 submitted with the vacant building application.
- (b) 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.
- (c) 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.
- (d) Demolition required. If a building has remained vacant for a period of 365 consecutive days, and the compliance official has not approved an alternative schedule in the property plan, the owner may be required to demolish the building in accordance with City code and State Statutes 463.15-463.26.

Section 310:25. Change of ownership. A new owner(s) must register or re-register a vacant building within 15 days of any transfer of an ownership interest in a vacant building. No fee will be required of the new owner provided the registration fee has been paid. 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.

Section 310:30. 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.

Section 310:35. Maintenance of registered vacant buildings. The owner must comply with and

address the following items in the property plan:

Subd. 1. Appearance. All vacant buildings must be so maintained and kept that they appear to be occupied. Including but not limited to the following items:

- (a) Maintenance and upkeep of landscaping, including trimming of trees, shrubbery and other vegetation.
- (b) Mowing of grass and weeds to be maintained below 10 inches in length.
- (c) Free of all graffiti as defined in St. Cloud City Ordinance 1007.
- (d) Free of nuisance conditions as defined in St. Cloud City Ordinance 1005.

Subd. 2. 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 (1) operable door into every building and into each housing unit. 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. When boarding is used, it must comply with the standard set in St. Cloud City Ordinance Section 300:41.

Subd. 3. Termination of utilities. The compliance official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. 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.

Subd. 4. 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.

Subd. 5. 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.

Subd. 6. Other codes. A plan for compliance with all applicable provisions of City code and other applicable regulations.

Section 310:40. Abatement of violations. If, after service of a notice of violation under Section 310, the owner fails to abate the violation or make the necessary repairs, alterations or changes as required by the order of the Health and Inspections Department, the same may be abated under the direction of the Health Director.

Section 310:45. Expense of abatement. The expenses of any abatement pursuant to this section are the responsibility of the property owner. The expense for abatement will include a \$75.00 administrative fee in addition to the actual cost of abatement. Abatement actions that require the presence of City Staff for more than 1-hour during the abatement or other extraordinary coordination efforts will be additionally billed to the affected property owner at the rate of \$60.00 per hour. Abatement expenses may be levied against the property as a special assessment and collected as in the case of other special assessments.

Subd. 1. Certification fee. A \$50.00 charge will be added to all accounts certified to the County Auditor's Office for collection. This fee is to be considered separate and distinct from any penalty or interest that may be charged by the County as a result of certification.

Section 310:50. 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.

Section 310:55. 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.

Section 310:60. 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 compliance official within ten (10) business days of the decision that is basis of the appeal.

Section 310:65. Penalties. Any person or responsible party who violates any provision of this section is subject to a misdemeanor penalty and any administrative fees as provided under City code and this section. 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.

HISTORY: ORD 2661 6-16-2016; 2755 6-18-2018; 2798 12-2-2019