

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE TO ADD REGULATIONS
REGARDING VACANT BUILDINGS**

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

The following sections of the Afton Code of Ordinances shall be amended by adding the bold and underlined language and deleting the ~~strike-through~~ language

Chapter 14

Offenses and Miscellaneous Provisions

Article III. - Vacant Buildings^(B) Registration

Sec. 14-11. - Declaration of policy.

The purpose of this article is to protect the public health, safety and welfare by enactment of this ordinance which:

- (1) Establishes a program for identification and registration of vacant buildings.**
- (2) Determines the responsibilities of owners of vacant buildings and structures.**
- (3) Provides for administration, enforcement and penalties.**

Sec. 14-12. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

- (1) *Dangerous structure:* A structure which is potentially hazardous to persons or property, including, but not limited to:**
 - a. A structure which is in danger of partial or complete collapse;**
 - b. A structure with any exterior parts which are loose or in danger of falling; or**
 - c. A structure with any parts, such as floors, porches, railings, stairs, ramps, balconies or roofs, which are accessible and which are either collapsed, in danger of collapsing or unable to support the weight of normally imposed loads.**
- (2) *Enforcement officer:* The City Administrator or duly authorized representative.**
- (3) *Owner.* Those shown to be the owner or owners on the records of the Washington County Department of Property Taxation, those identified as the owner or owners on a vacant building registration form, holder of an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the freehold of the premises or lesser state therein, mortgagee for the benefit of the owner or owners of the beneficial interests in possession, or its nominee. Any such**

person shall have a joint and several obligation for compliance with the provisions of this chapter.

- (4) Secured by other than normal means: A building secured by means other than those used in the design of the building.
- (5) Unoccupied: A building which is not being used for a legal occupancy as defined in the Afton Zoning Code.
- (6) Unsecured: A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.
- (7) Vacant building; A building or portion of a building which is:
 - a. Unoccupied and unsecured for a period of time over three hundred sixty-five (365) days.
 - b. Unoccupied and secured by other than normal means for a period of time over three hundred sixty-five (365) days.
 - c. Unoccupied and a dangerous structure.
 - d. Unoccupied and condemned.
 - e. Unoccupied and has multiple housing or building code violations.
 - f. Condemned and illegally occupied.
 - g. Unoccupied for a period of time over three hundred sixty-five (365) days and during which time the enforcement officer has issued an order to correct nuisance conditions.
 - h. Unoccupied for a period of time over one thousand (1,000) days

- (8) Code violations: violations of any code adopted and/or enforced by the city, which may include but not be limited to the Afton City Code, codes covering plumbing, electrical, mechanical or building construction, installation or maintenance standards, zoning or fire codes.

Sec. 14-13. - Vacant building registration.

- (a) The owner shall register with the enforcement officer not later than thirty (30) days after any building in the city becomes a vacant building, as defined in section 14-12(7).
- (b) The registration shall be submitted on forms provided by the enforcement officer and shall include the following information supplied by the owner:
 - (1) A description of the premises;
 - (2) The names and addresses of the owner or owners;
 - (3) The names and addresses of all known lienholders and all other parties with an ownership interest in the building;
 - (4) The period of time the building is expected to remain vacant; and a plan and timetable for returning the building to appropriate occupancy or use and/or for demolition of the building.
- (c) The owner shall order and pay for a code compliance inspection within sixty (60) days after the designation of any building or portions thereof classified as a vacant building. The code compliance inspection is required regardless of the building's legal occupancy standard or intended use. Owners of vacant buildings on the effective date of this ordinance that have not ordered a code compliance inspection shall have sixty (60) days following the effective date of this ordinance to order and pay for a code compliance inspection.

- (d) In order to decrease the risk of fire, explosion or dangerous conditions, the owner shall install an excess flow automatic gas shut-off valve ("excess flow valve") on the building's gas piping immediately downstream of the gas meter outlet within sixty (60) days after the designation of any building or portions thereof classified as a category II or a category III vacant building. If the owner fails to install an excess flow valve, the enforcement officer, under the authority of Afton Code, may install the excess flow valve on the building and enter the building if necessary. The costs incurred by the city for installation of the excess flow valve shall be assessed against the property as a summary nuisance abatement under the provisions of the City Code. Owners of category II or III vacant buildings with active water and gas service on the effective date of this ordinance shall have sixty (60) days following the effective date of this ordinance to install an excess flow valve. Prior to installation of the excess flow valve, the owner, or another who can demonstrate a secured interest in the property must obtain the required permits from the Department of Safety and Inspections. Any excess flow valve model must be approved and installed as required by the Department of Safety and Inspections.
- (e) The procedures in paragraph (d) above may not be followed under the following conditions:
- (1) If the enforcement officer determines that failure to install an excess flow valve constitutes an immediate danger or hazard which if not immediately addressed will endanger the health or safety of the public, the city may proceed with an emergency abatement.
 - (2) The owner or another who can demonstrate a secured interest in the property shall be exempt from the requirements of subdivision (d) above if the following conditions are met:
 - (i) The owner or another who can demonstrate a secured interest in the property has registered the building as a vacant building with the enforcement officer; and
 - (ii) After registration, the owner or another who can demonstrate a secured interest in the property has received or ordered a code compliance inspection and has shut off gas service and winterized the property.
- (f) For all vacant buildings that have code violations, the owner shall submit a plan to address the violations and a timetable which must meet the approval of the enforcement officer. The enforcement officer shall require completion of the plan within a reasonable period of time, up to three hundred sixty-five (365) days. Any repairs, improvements or alterations to the property must comply with any applicable housing or building codes.
- (g) All applicable laws and codes shall be complied with by the owner. The owner shall notify the enforcement officer of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the enforcement officer.
- (h) The owner and the subsequent owners shall keep the building secured and safe and the building and ground properly maintained until the plan has been completed.
- (i) The new owner(s) shall register or re-register the vacant building with the enforcement officer within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the enforcement officer.
- (k) Vacant building fees:
- (1) The owner of a vacant building shall pay an annual registration fee of five hundred dollars (\$500.00) each year the building remains a vacant building. The registration fee is intended to at least partially recoup, and shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the city in monitoring the vacant building site.

- (2) The first annual fee shall be paid no later than thirty (30) days after the building becomes vacant. If the fee is not paid within thirty (30) days of being due, the owner shall be subject to prosecution as prescribed in section XX.05.
- (3) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.
- (4) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee no later than thirty (30) days after the transfer of ownership and subsequent annual fees shall be due on the original anniversary date.
- (l) The enforcement officer shall include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.
- (m) Any building or portion of a building classified as a vacant building under this section shall be posted with a placard by the enforcement officer, unless it is determined by the City that the placard would further detract from the character and attractiveness of the area.

Sec. 14-14. - Exemptions.

- (1) Fire damaged structures fee exemption. In order to encourage the prompt renovation of property, the owner of a fire damaged building may be exempt from paying vacant building fees required under the chapter; provided, that within thirty (30) days from the date of the fire, the owner at the time of the fire, submits a request for an exemption in writing to the enforcement officer. This request shall include the following information supplied by the owner:

 - (a) A description of the premises.
 - (b) The names and address of the owner or owners.
 - (c) A statement of intent to repair and reoccupy the building in an expedient manner.
 - (d) An exemption granted under this section shall be valid for no more than ninety (90) days. In the event that the owner of the property at the time of the fire who received an exemption under this section should, at any time after the fire, transfer to another person any ownership interest in the subject property, the exemption under this section is immediately void and any new owner(s) shall be responsible for paying any required vacant building fees.

Sec. 14-15. - Inspections.

The enforcement officer shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the enforcement officer, an owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection.

Sec. 14-16. - Penalties.

Any person violating any provision of this chapter or providing false information to the enforcement officer shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with section 1-13 of the Afton City Code.

Sec. 14-17. - Collection of unpaid fees.

- (1) Written notice.

- a. Written notice of fees. The enforcement officer shall, in addition to any other action the enforcement officer may undertake, serve written notice of the fees in conformance with the requirements set forth in this chapter.
- b. Notice for collection of fees shall include the amount of the vacant building fee that is the responsibility of the building owner and a statement that the fee shall be paid within the time period(s) identified in the notice.

(2) Fee and liability. The city shall be entitled to collect the costs of vacant building registration and monitoring. The fees associated with the vacant building program shall be a debt owed to the city and unpaid costs shall be collected by special assessment under the authority in Minnesota Statutes, Section 429.101. Action under this section does not preclude any other civil or criminal enforcement procedure.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 18TH DAY OF JUNE, 2019.

SIGNED:



Bill Palmquist, Mayor

ATTEST:



Ronald J. Moorse, City Administrator

Motion by:

Second by:

Perkins:

Wroblewski:

Ross:

Nelson:

Palmquist: