

**ORDINANCE NO. 11-01
CITY OF BLUE EARTH**

**AN ORDINANCE OF THE CITY OF BLUE EARTH, MINNESOTA
PROVIDING FOR THE SECURING OF VACANT BUILDINGS**

The City Council of the City of Blue Earth does ordain as follows:

SECTION I.

WHEREAS, the City Council of the City of Blue Earth finds that there has been an increase in the number of buildings and structures within the City which are no longer in use for any purpose and sit vacant without much supervision or maintenance and;

WHEREAS, the City Council further finds that the City must expend additional resources to protect and maintain the public safety and welfare as a result of the increase in the number of vacant and unsecure buildings within the City as a direct result of said vacant buildings; and

WHEREAS, the City Council finds that it is appropriate that the increased costs for services to protect public safety and welfare can be avoided in many cases by actions to secure the vacant buildings and structures by the property owner; and

WHEREAS, if the property owner is not willing to secure and maintain his/her own assets, he/she should be responsible for said additional public expenditure to do so; and

WHEREAS, the City Council now desires to adopt an ordinance requiring said maintenance effort by the owners of vacant buildings and structures.

SECTION II.

SECTION 540 – Vacant Building Registration.

Subsection 540.01. Definitions.

For the purpose of this section certain words and phrases are defined as follows:

Subd. 1. *Enforcement Officer.* The City Building Official or Zoning Administrator.

Subd. 2. *Owner.* Those shown to be owner(s) on record at the Faribault County Recorder's Office, those identified as owner(s) on a vacant building registration form, holder of an unrecorded contract for deed, a mortgagee/mortgagor or vendee/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(s) of the beneficial interests in possession, or its nominee. Any such person shall have a joint obligation for compliance with the provisions of this section.

Subd. 3. *Secure*. Includes, but is not limited to, installing locks, repairing and/or boarding windows and doors, posting "no trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or security system consistent with Minn. Stat. §463.251.

Subd. 4. *Unoccupied Building*. A building which is not being used for a legal occupancy.

Subd. 5. *Vacant Building*. A building or a portion of a building that meets one or more of the following conditions:

- a. Unoccupied and foreclosed upon as identified by Faribault County.
- b. Unoccupied and windows or entrances to the premises are boarded up or closed off, or multiple window panes are broken and unrepaired.
- c. Unoccupied and doors to the premises are smashed through, broken off, unhinged, or continuously unlocked.
- d. Unoccupied and gas, electric, and water service to the premises has been terminated.
- e. Unoccupied and rubbish, trash, or debris has accumulated on the premises.
- f. Unoccupied and the police or sheriff's office has received at least two reports of trespassers on the premises, or of vandalism or other illegal acts being committed on the premises.
- g. Unoccupied and the premises is deteriorating or in imminent danger of falling below minimum community standards for public safety and sanitation
- h. Unoccupied and the property address has been cited with at least one nuisance violation.
- i. Unoccupied and the property address has been cited with at least one minimum maintenance standard violation.

Subsection 540.02. Registration and fees.

Subd. 1. *Registration Required*. The owner shall register with the enforcement officer within thirty (30) days after any building in the city becomes a vacant building, as defined in Subsection 540.01, Subd. 5. The registration shall be submitted on forms provided by the enforcement officer and shall include the following information supplied by the owner:

- a. description of the premises
- b. names and address of owner(s)
- c. name and address of all known lien holders and all other parties with an ownership interest in the building
- d. 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.

Subd. 2. *Registration Fee*. The owner of a vacant building shall pay an annual registration fee of five hundred (\$500.00) dollars each year the building remains a vacant building. The registration fee is intended to at least partially cover 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. If the vacant building is listed for sale with a licensed realtor, for a sales price which is no greater than 10% above the assessed value of the property for real estate tax purposes by the Faribault County Assessor's Office, then the owner shall not need to pay said registration fee.

Subd. 3. **Penalty – Failure to Pay Fee.** The first annual fee shall be paid within thirty (30) days of being due and the owner shall be subject to prosecution as prescribed in this section if not paid by the due date. The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit. All delinquent fees shall be paid by the owner, prior to any transfer of ownership of a vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee within thirty (30) days of being due and the new owner shall be subject to prosecution as prescribed in this section if not paid by the due date.

Subsection 540.03. Records on Property. 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.

Subsection 540.04. Exemptions. In order to encourage the prompt renovation of property, the owner of a fire damaged building may be exempt from paying vacant building fees provided that within thirty (30) days from the date of the fire, the owner submits a written request for an exemption to the enforcement officer, which includes the following:

- a. description of the premises
- b. names and address of owner(s)
- c. statement of intent to repair and reoccupy the building in an expedient manner

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.

Subsection 540.05. Inspections. The enforcement officer shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this section. Upon the request of the enforcement officer, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

Subsection 540.06. Inventory. The enforcement officer shall maintain a current list of all known vacant buildings, as well as list of all previously declared vacant buildings which are no longer subject to the provisions of this section. The vacant building list shall be available to the public, to the extent provided by law.

Subsection 540.07. Collection of unpaid fees. 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.


Subsection 540.08. Violations. A violation of any provision of this section by the owner of a vacant building shall be a petty misdemeanor.

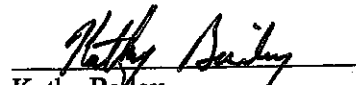
Subsection 540.09. Severability. If any provision of this section is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION III.

This Ordinance shall not be effective until thirty (30) days after its passage and publication.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLUE EARTH
ON THIS 21 DAY OF March, 2011**

BY

Robert L. Hammond, Jr.
Mayor

ATTEST:

Kathy Bailey
City Administrator

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