

CITY OF RED LAKE FALLS VACANT BUILDING ORDINANCE

AN ORDINANCE AMENDING THE CITY CODE, CHAPTER IX, PART 1, SECTION 901.06, et al. BY ESTABLISHING A PROCEDURE FOR REGISTRATION, SECURING AND DEMOLITION OF CERTAIN VACANT AND DILAPIDATED BUILDINGS WITHIN THE CITY LIMITS OF THE CITY OF RED LAKE FALLS, MINNESOTA, AND, PRESCRIBING CERTAIN TERMS AND CONDITIONS THEREOF.

THE CITY COUNCIL OF THE CITY OF RED LAKE FALLS ORDAINS:

SECTION 1. SUMMARY FORM. Chapter IX, Part 1, Section 901.06, et al., of the Red Lake Falls City Code, is hereby amended to add, Sec. 906.01, et al., which in summary form provides, as follows:

Demolition procedure. General. Whenever it comes to the notice of the building official that any building or structure is in a damaged, dilapidated or dangerous condition, it shall be his or her duty to make an inspection of such building or structure. It shall be unlawful to repair or alter any building or structure located in the city if, in the opinion of the building official, based upon information documented in the official file and records, such building or structure has been damaged or deteriorated from any cause to the extent that the building official's good faith, reasonable estimate of the cost of repairing and restoring the building is more than 60 percent of the current fair market value of the building, as shown in the records of the city/county assessor or as adjusted by the assessor for accuracy, and all such buildings or structures so damaged or deteriorated shall be torn down and removed when so ordered by the building official; provided, however, that the building official, or the building appeal board in cases appealed to it, may allow such a damaged or deteriorated building to be repaired, for good cause shown related to the use, location or unique characteristics of the building, when the owner shows that the owner has dedicated sufficient funds to pay for the repair, has entered into a valid contract to have the repair completed, and will complete all the repair and restoration work within a reasonable time, not to exceed 18 months; repair work must have commenced within 6 months of the city's order allowing repair.

Orders for demolition and assessment of costs. Ordinance provides that all orders for the demolition of a dangerous, defective or deteriorated building, or for repairs to the same, shall be in writing, signed by the building official, and shall allow not less than 30 days in which to comply with said order. Each order shall identify the structure, state the legal basis of the order, the date of the order, the fair market value of the building, the building official's good faith, reasonable estimate of the cost of repairs.

Said ordinance contains procedures for time period and method of appeal of a building official's Order.

Said ordinance allows the council to decide to assess the cost of demolition against the affected property, such assessment shall be made by resolution of

the council, and such resolution shall state a time by which such assessment shall be payable, which time shall be not less than 30 days after publication of such resolution and service of notice of the assessment upon the property owner. Delinquent assessments shall be certified to the county auditor of Red Lake County for collection in the same manner as other assessments;

Abandoned Buildings / Blight Policy. Pursuant to authority provided in Minnesota Statutes, Section 463.26, permitting cities to enact and enforce ordinances on hazardous buildings, and in order to enhance the livability and preserve the tax base and property values of buildings within the city, and based upon the findings contained in Section (2); and because of the need to assure that buildings which are capable of rehabilitation are promptly rehabilitated and buildings which are not capable of rehabilitation be promptly demolished, the city hereby declared that it is the policy of the city to promote rehabilitation of vacant and unoccupied buildings, and to assure a prompt process for demolition of hazardous buildings through a procedure fixing appropriate responsibility in accordance with due process requirements;

Findings. The city council finds, determines and declares that buildings which remain vacant and unoccupied for any appreciable period of time become an attractive nuisance to children, a harborage for rodents, and invitation to derelicts, vagrants and criminals as a temporary abode, and an increased fire hazard, and that the unkempt grounds surrounding such property invite the dumping of garbage and rubbish thereon; that such buildings are permitted to become dilapidated since such buildings are often economically obsolete and the owners of such buildings are unwilling to expend the necessary funds to repair or raze the buildings; that such buildings contribute to the growth of blight within the city, depress market values of surrounding properties to the detriment of the various taxing districts and require additional governmental services; that the use and maintenance of property in such condition and manner endangers the public safety and health, constitutes an unreasonable use and condition to the annoyance, discomfort and repose of a considerable number of the public, is detrimental to the public good and to the common welfare; and renders a considerable number of the public insecure in the use and enjoyment of their property, and thus may constitute a nuisance condition. Adequate protection of public health, safety and welfare, therefore, requires the establishment and enforcement of the means by which such nuisance conditions may be abated;

Securing vacant buildings; In general, if any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the building official may order the building secured and shall cause notice of the order to be served upon the owner of the premises. Such notice may be served personally or by mail. Service by mail is complete upon mailing a copy of the order to the owner at the last known address. If the owner fails to comply with the order within six days after the order is served, the building official shall cause the building to be boarded up or otherwise properly secured;

Emergency. In emergency cases the building official, Sheriff or Fire Chief may waive all requirements herein and immediately board or otherwise secure the building.

Securing Building. An owner of a declared vacant building shall construct entrance barriers and secure premises using the materials & methods specifically set forth in the ordinance

An administrative fee shall be set in accordance with Section 905.12 of this Code and all other costs incurred by the city for boarding or otherwise securing a building under this Chapter.

The above fees, when collected, shall be dedicated to the use of the department(s) that administer(s) the enforcement actions.

Vacant building registration: The owner of a residential building or building located in a residentially zoned area shall register the building with the building official within 30 days after it becomes a vacant building.

A vacant building is at least one of the following: Condemned; Unoccupied and unsecured for 30 days or more; Unoccupied and secured by means other than those normally used in the design of the building for 30 days or more; Unoccupied and has multiple housing maintenance, fire or building code violations existing for 30 days or more; Unoccupied and an existing owner or lienholder requests registration in accordance with the provisions of this Section.

The registration shall be submitted on forms provided by the building official.

The owner shall submit a plan and timetable that must be approved by the building official, for purposes of preventing nuisance conditions and maintaining compliance with this Code.

The owner and the subsequent owners shall keep the building secured and safe and the building and grounds properly maintained until the rehabilitation or demolition has been completed;

Failure of the owner or any subsequent owner to maintain the building and premises that result in abatement completed by the city shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by law;

Vacant building fees: The owner of a vacant building shall pay an annual fee, which shall be set in accordance with Section 905.12 of this Code. The fee is imposed to defray the administrative costs for registering and processing the vacant building registration form and for the costs of the city in monitoring the vacant building site;

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

Unpaid fees shall be levied and collected as a special assessment against the property and such amount may be placed on the tax rolls and collected in the same manner as real estate taxes. Upon transfer of ownership, the new owner(s) shall be responsible for all unpaid and subsequent annual fees;

A building owner shall provide access to the Sheriff, Fire Chief and/or Building Official of all interior portions of an unoccupied building in order to permit a complete inspection for the purpose of enforcing and assuring compliance with the provisions of this Chapter.

SECTION 2. A printed copy of the entire ordinance is available for inspection by any person during regular office hours at the office of the city clerk and any other location the city council designates.

SECTION 3. A copy of the entire text of the ordinance shall be posted in the community library.

SECTION 4. Proof of the publication shall be attached to and filed with the Ordinance.

SECTION 5. This Ordinance shall become effective thirty (30) days after its passage and publication according to law.

Approved as to summary content and summary publication by at least a 4/5ths vote of the City Council on January 22, 2018.