



**City of Long Lake
Hennepin County, Minnesota
Ordinance No. 2016-02**

**An Ordinance Amending Chapter 8, Buildings and Building Regulations,
Amending Article IV. Hazardous Real Property; Adding Article VIII. Securing and
Registration of Vacant Buildings, to the City Code of Ordinances**

The City Council of the City of Long Lake does hereby ordain as follows:

Section 1. The Long Lake City Code of Ordinances, Chapter 8, Buildings and Building Regulations, Article IV. Hazardous Real Property, is hereby amended as follows:

ARTICLE IV. HAZARDOUS REAL PROPERTY

Sec. 8-151. Deteriorated or hazardous structures and real property.

In any area, the existence of any structure or part of any structure which because of fire, wind or other natural disaster, or physical deterioration, or other event is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended; or has become damaged, dilapidated, unsanitary, unsafe, vermin or rodent infested, or lacks the provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or the public, shall not be allowed.

Similarly, any condition on real property located within the city which creates a hazard to the health, safety, or welfare of the public, shall not be allowed.

~~Sec. 8-152. Vacant buildings.~~

~~— In any area, the existence of any vacant or portion of any vacant building, garage or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance to vandals, shall not be allowed.~~

Sec. 8-152. Enforcement.

Deteriorated or hazardous structures and/or real property shall be abated in accordance with Minn. Stat. 463.15 et. seq.

~~— The owner, owner's agent in charge of the building or property, and the occupying tenant of any property upon which any of the causes of blight or blighted factors set forth in sections 8-151 and 8-152 is found to exist shall be notified in writing by the building inspector or fire chief to remove or eliminate such causes of blight or blighting factors from such property within 10 days after service of the notice upon him. Such notice may be served personally or by registered mail, return receipt requested, to the last known address of the owner and, if the premises are occupied, to the premises. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress. If the owner fails to answer the order, the city may move the district court of the county in which the hazardous building or property is located for summary enforcement of the order. If an answer is~~

filed contesting the order, further proceedings in the action shall be governed by the rules of civil procedure for the district courts.

Sec. 8-154. Exercise of eminent domain authorized.

~~—In case of failure to raze, remove, or correct any blight within the time prescribed by district court judgment, the city may acquire, by eminent domain, the building, if any, and real estate on which the building or hazardous condition exists, or the police department may order to be repaired, razed, removed or corrected the hazardous buildings or conditions of property and shall certify the cost to the city administrator. The city administrator shall certify such cost to the county auditor as a special assessment against the property involved for collection in the same manner as other special assessments. As an additional or alternative remedy, the owners of any interest in the land and the occupancy shall be jointly and severally liable for such costs; and the costs shall be recoverable in any action against any of them in the name of the city to impose a lien against the real estate on which the hazardous building or condition exists or obtain a judgment against the owner of the real estate on which the hazardous building or condition exists.~~

Sec. 8-1535. Violation; penalty.

Failure to comply with a notice under this article within the time allowed shall constitute a misdemeanor punishable in accordance with section 1-13.

Secs. 8-1546 -- 8-190. Reserved.

Section 2. The Long Lake City Code of Ordinances, Chapter 8, Buildings and Building Regulations, is amended to add the following article, titled Article VIII. Securing and Registration of Vacant Buildings:

ARTICLE VIII. SECURING AND REGISTRATION OF VACANT BUILDINGS

Sec. 8-301. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them by this section:

City means the city of Long Lake, State of Minnesota.

Neighborhood association means an organization recognized by the city as representing a neighborhood within the city.

Owner of record means the fee owner, contract for deed vendee, mortgagee in foreclosure, holder of a sheriff's certificate, and taxpayer as shown on the real property records Hennepin County, or the authorized agent of any of the preceding persons.

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.

Unoccupied building means a building or portion of a building which is not being used by a person entitled to legal occupancy.

Unsecured building means a building or a portion of a building that is open to entry by unauthorized persons without the use of tools or ladders.

Vacant building means a building or a portion of a building that is unoccupied and meets one or more of the following conditions:

- (1) Records of the Hennepin County Recorder show the property is in lien foreclosure;
- (2) Windows or entrances to the property are boarded up or closed off, or multiple doors or window are broken and unrepaired;
- (3) Doors to the property are damaged, smashed through, caved in, broken off, unhinged, or continuously unlocked;
- (4) The property is without gas, electric, or water service;
- (5) Rubbish, trash, putrescible materials or debris has accumulated on the property;
- (6) Law enforcement agencies have received at least two reports of trespass, vandalism or other illegal acts being committed on the property within 12 months;
- (7) The yards on the property exhibit grass, lawn, weeds, and other vegetation which are not maintained to the standards prevailing in the neighborhood or are not maintained in compliance with section 38-33 of city code.

Sec. 8-302. Securing vacant buildings.

Any building which becomes unsecured or vacant and constitutes a fire hazard or a hazard to public safety may be deemed hazardous. If the hazardous condition could be abated by securing the building, the city council may order the building secured and shall cause notice of the order to be served by United States Mail on the record owner or the owner's agent, and the taxpayer identified on the property tax records for that parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice at its last known address and consistent with Minn. Stat. 463.251, subd. 2. The notice must be in writing and must include, at a minimum, a statement that:

(a) Informs the owner of record and the holder of the mortgage or sheriff's certificate that it has 12 days to secure the building or provide the council with a reasonable plan and schedule to comply with the order and that costs may be assessed against the property if the person does not secure the building.

(b) Informs the owner of record and the holder of the mortgage or sheriff's certificate that, within 6 days of the order being served, it may request a hearing before the city council to challenge the council's determination that the property is vacant and/or hazardous.

(c) Provides the owner of record with a copy of Minn. Stat. 582.031 (right of entry by holder of mortgage or sheriff's certificate to protect the premises from waste and trespass).

Service by mail is completed upon mailing.

Sec. 8-303. Emergency securing of vacant buildings.

Pursuant to Minn. Stat. 463.251, subd. 4, when the city council or the council's authorized representative determines that a vacant or unsecured building poses an immediate threat to the health or safety of persons in the community and the immediate securing of a building is required to protect health and safety, all notice requirements herein are waived and the building may be secured by the city, provided that:

(a) The conditions showing the existence of an immediate threat are documented in a written report.

(b) A copy of the written report and the city action taken are mailed immediately to the owner of record and any neighborhood association that has requested notice.

Sec. 8-304. Collection of costs.

All costs incurred by the city for securing a vacant building under this article may be charged against the real property as a special assessment pursuant to Minn. Stat. 463.251, 463.21 and 463.151.

Sec. 8-305. Registration of vacant buildings.

The owner of record of a vacant building shall register such structure with the city administrator or his/her designee no later than 30 days after the building becomes a vacant building, as defined in this article. The registration of vacant building shall be submitted on forms provided by the city, and shall contain, at a minimum, the following:

- (a) The legal description and property address of the vacant building.
- (b) The names and addresses of all owners of the vacant building.
- (c) The names and addresses of all known lien holders and mortgagees of the vacant building.
- (d) The period of time which the building is expected to remain vacant.
- (e) A plan and timetable for returning the building to appropriate occupancy and/or making the structure compliant with all city ordinances or for demolition of the building. The plan must be approved by the city and shall require completion of the plan within a reasonable period of time not to exceed 365 days. Such plan shall include all conditions that are to be corrected, the estimated value of the project(s) required to complete the plan and a plan for continued care and upkeep of the property consistent with this ordinance.
- (f) Other information deemed necessary by the city to process the registration.

Sec. 8-306. Administrative registration.

If the city administrator or designated compliance official determines that a building has been vacant for at least 60 days and has not been registered by the building's owner, the city administrator or compliance official may administratively register the building and attempt to notify the owner of that registration based on such information that is reasonably available to the compliance official. Properties registered administratively will be charged a fee established by the city council by resolution. Such fee may, from time to time, be amended by the council by resolution.

Sec. 8-307. Continuing requirements of registered vacant buildings.

The owner of record shall comply with all applicable state laws and city ordinances and shall notify the city administrator or his/her designee of any changes in the information supplied as part of the vacant building registration, within 30 days of the change. Any change in the vacant building registration must be approved by the city administrator. The following additional requirements shall apply:

(a) The owner of record shall keep the vacant building secured and shall keep the building and grounds maintained until the rehabilitation or demolition of the building has been completed. Residential vacant buildings shall not be used for storage.

(b) Failure of the owner of record to maintain the vacant building and grounds such that abatement of violations by the city is required, shall be grounds for revocation of the vacant building registration plan and the owner of record shall be subject to any applicable penalties provided by law.

(c) In the event of a sale of the building or grounds by the owner of record to a purchaser, the purchaser shall re-register the vacant building with the city administrator or his/her designee within 30 days of the transfer of ownership or interest in the vacant building. The new owner of record shall comply with the approved vacant building registration plan and timetable unless any proposed changes in the plan are submitted to and approved by the city administrator.

Sec. 8-308. Vacant building registration fees.

The owner of a vacant building shall pay an annual registration fee as established by the city council, adopted by resolution, and uniformly enforced. Such fee may, from time to time, be amended by the council by resolution. A copy of the resolution shall be kept on file in the office of the city clerk and open to inspection during regular business hours. This fee is imposed to defray the administrative costs for registering and processing the vacant building registration form and the costs of the city in monitoring the vacant building site.

(a) The first annual registration fee shall be paid no later than 30 days after the building becomes vacant. Subsequent annual registration fees shall be due on the anniversary date of initial vacancy.

(b) If registered administratively, pursuant to section 8-306, the first annual registration fee shall be due 10 days after receipt of notice of registration, or 10 days after the owner has a reasonable basis to believe the building is vacant. Subsequent to the original registration, fees shall be due on the anniversary date of the original registration.

(c) The registration fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

(d) If the registration fee or any portion is not timely paid, the city council may certify the unpaid fees against the property in accordance with Min. Stat. 429.101.

Sec. 8-309. Vacant building registration exemptions.

Owners of buildings meeting the following criteria must register their buildings but are not required to pay the annual fee:

(a) Buildings substantially damaged by fire or severe weather are exempt from registering as a vacant building for a period of 90 days after the date of the fire or severe weather event causing the substantial damage if the owner submits a written request for exemption to the city administrator or his/her designee. A request for exemption shall include the following information, supplied by the owner:

- (1) The legal description and property address of the premises;
- (2) The names and addresses of all owners of the premises;

- (3) A statement of intent to repair and reoccupy, or reuse the building in an expeditious manner and a statement of the timeframe for completion of repairs and re-occupancy or use; and
- (4) Actions the owner will take to ensure that the property will be secure and not a nuisance.

This fee exemption may be extended beyond 90 days by the city, based on the submitted plan.

Owners of buildings meeting the following criteria are not required to register their building but may do so voluntarily, for no fee:

(a) "Snowbirds", owners of residential buildings who leave their residential buildings on a temporary basis (up to 180 days) for vacation purposes or to reside elsewhere during the winter season and have intent to return, shall be exempt from registration under this section. This exemption will be considered annually with property verification provided by the owner.

Sec. 8-310. Inspections.

Upon request, and at all reasonable times, the record owner shall provide access to all portions of a vacant building for inspection by city employees, the city building inspector, fire chief or the city administrator's designee for the purpose of enforcing and assuring compliance with the provisions of this ordinance.

Sec. 8-311. Right of appeal.

Any owner of record who is aggrieved by a decision or order of the city administrator may appeal to the city council. Such appeal must be in writing on forms provided by the city, must specify the grounds for the appeal, and must be accompanied by a filing fee in an amount determined by the city council. The appeal must be submitted to the city clerk by personal service or United States Mail within 6 days from the date of a decision to declare the subject property vacant and/or hazardous or an order to secure a vacant property, and within 30 days from the date of any other decision or order from which the appeal is taken.

Sec. 8-312. Severability.

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

Sec. 8-313. Penalties.

Any person violating any provision of this ordinance, or providing false information to the city in connection with a vacant building registration shall, upon conviction therefore, be punished as provided in the penalty section of this ordinance.


Sec. 8-314 – 8-330. Reserved.

Section 3. This Ordinance shall be effective upon adoption and publication according to law.

Adopted by the City Council of the City of Long Lake this 16th day of February 2016.

Date of Adoption:	February 16, 2016
Date of Publication:	February 27, 2016
Effective Date:	February 27, 2016

BY:



Donny Chillstrom, Mayor

ATTEST:



Jeanette Moeller, City Clerk